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BEFORE THE
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD PERMITTING
AND ENFORCEMENT COMMITTEE

IN THE MATTER OF THE:)
)
PERMITTING AND ENFORCEMENT)
COMMITTEE MEETING)
_____)
 —

DATE AND TIME: TUESDAY,
MAY 13, 1997 9:30 A.M.

PLACE: BOARD
HEARING ROOM 8800 CAL
 CENTER
 DRIVE
 SACRAMENTO,
 CALIFORNIA

REPORTER: BETH C.
DRAIN, RPR, CSR CERTIFICATE
NO. 7152

BRS FILE NO.: 39108

APPEARANCES

MR. ROBERT C. FRAZEE, CHAIRMAN
MR. STEVEN R. JONES, MEMBER
MR. PAUL RELIS, MEMBER

STAFF PRESENT

MR. RALPH CHANDLER, CHIEF EXECUTIVE OFFICER MS.
KATHRYN TOBIAS, LEGAL COUNSEL

MS. LORI LOPEZ, COMMITTEE SECRETARY

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1 SACRAMENTO, CALIFORNIA; TUESDAY, MAY 13, 1997

2 9:30 A.M.

3

4 CHAIRMAN FRAZEE: MEETING WILL COME TO
5 ORDER, PLEASE. THIS IS THE MAY 13TH MEETING OF
6 THE PERMITTING AND ENFORCEMENT COMMITTEE OF THE
7 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD. IF
8 THE SECRETARY WILL CALL THE ROLL, PLEASE.

9 THE SECRETARY: BOARD MEMBER JONES.

10 MEMBER JONES: HERE.

11 THE SECRETARY: BOARD MEMBER RELIS

12 MEMBER RELIS: HERE.

13 THE SECRETARY: CHAIRMAN FRAZEE.

14 CHAIRMAN FRAZEE: HERE. ALL MEMBERS ARE
15 PRESENT.

16 DO WE HAVE ANY EX PARTE
17 COMMUNICATIONS THAT WE NEED DISCLOSURE TODAY?

18 MEMBER JONES: NO, UP-TO-DATE, MR.

19 CHAIRMAN.

20 MEMBER RELIS: UP-TO-DATE.

21 CHAIRMAN FRAZEE: MINE ARE ALSO

22 UP-TO-DATE.

23 IT'S OUR INTENTION TO PROCEED WITH
24 THE AGENDA AS PRINTED IN THE ORDER THAT IT'S
25 PUBLISHED. IF ANYONE WISHES TO SPEAK ON AN ITEM

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1 THAT IS ON TODAY'S AGENDA, IF YOU WOULD FILL OUT A
2 SPEAKER SLIP THAT ARE LOCATED IN THE BACK OF THE
3 ROOM AND BRING IT FORWARD TO THE COMMITTEE
4 SECRETARY, THAT WILL ENSURE THAT YOU WILL BE
5 CALLED UPON AT THE APPROPRIATE TIME.

6 NOW, LET'S START WITH THE REPORT
7 FROM THE DEPUTY DIRECTOR.

8 MS. RICE: THANK YOU AND GOOD MORNING,
9 MR. CHAIRMAN AND MEMBERS. A VERY BRIEF REPORT
10 THIS MORNING. BRIEFLY AN UPDATE ON THE 1220
11 REGULATIONS, A BRIEF UPDATE ON OUR TRAINING
12 EFFORTS WITHIN THE PERMITTING AND ENFORCEMENT
13 DIVISION ON THE ROUND TABLES, WHICH WILL BE
14 COMMENCING TOMORROW; AND, LASTLY, ON OUR OTHER
15 50-PERCENT INITIATIVE.

16 SO BEGINNING WITH THE AB 1220
17 REGULATIONS, AS YOU KNOW, THESE REGULATIONS WERE
18 ADOPTED JOINTLY BY THIS BOARD AND THE STATE WATER
19 RESOURCES CONTROL BOARD A FEW MONTHS AGO. WE DID
20 JUST RECENTLY FILE THEM OFFICIALLY WITH THE OFFICE
21 OF ADMINISTRATIVE LAW, MEANING PULLING ALL THE
22 PIECES TOGETHER. THEY WERE FILED ON MAY 8TH. OAL
23 HAS 30 WORKING DAYS TO REVIEW THIS FILE. I
24 UNDERSTAND THAT BRINGS US TO JUNE 18TH, WHICH
25 WOULD BE THE FINAL DAY FOR OAL REVIEW. AND

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1 DEPENDING UPON WHAT DATE THEY DO FINISH THEIR
2 REVIEW ON, AND ASSUMING THAT THEY DO FILE WITH THE
3 SECRETARY OF STATE, I UNDERSTAND THEY WOULD BECOME
4 EFFECTIVE 30 DAYS AFTER FILING WITH THE SECRETARY
5 OF STATE'S OFFICE. SO HOPEFULLY VERY SHORTLY
6 WE'LL HAVE THE 1220 REGULATIONS IN EFFECT,
7 ASSUMING THAT NO UNFORESEEN ISSUES WILL COME
8 FORWARD FROM OAL.

9 SECONDLY, REGARDING OUR TRAINING
10 EFFORTS WITHIN THE DIVISION, THE TRAINING PROGRAM
11 IS WELL UNDER WAY. OUR LATEST OFFERING IS A
12 SERIES OF WORKSHOPS ON LANDFILL STATE MINIMUM
13 STANDARDS WHICH ARE BEING HELD AT VARIOUS
14 LOCATIONS THROUGHOUT THE STATE. THREE HAVE BEEN
15 HELD TO DATE IN DAVIS, DIAMOND BAR, AND GLENDALE,
16 AND THREE MORE ARE SCHEDULED FOR THE NEXT FEW
17 WEEKS IN CHICO, WATSONVILLE, AND SAN BERNARDINO.
18 AND DUE TO POPULAR DEMAND, I UNDERSTAND AN
19 ADDITIONAL TRAINING IS BEING DEVELOPED FOR THE
20 BAKERSFIELD AREA BASED ON REQUEST.

21 THE WORKSHOPS ARE OPEN TO LEA'S,
22 BOARD STAFF, LANDFILL PERSONNEL, AND OTHERS. AND
23 ATTENDANCE HAS FAR EXCEEDED OUR WILDEST
24 EXPECTATIONS. WE HAD ENVISIONED WORKSHOPS OF
FROM
25 20 TO 30 PARTICIPANTS, AND IN SOME VENUES HAVE

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1 REQUESTS EXCEEDING 50 TO ATTEND. SO THESE HAVE
2 PROVEN TO BE VERY POPULAR.

3 THE TRAINING WAS DEVELOPED IN
4 COOPERATION WITH LEA'S, THE CALIFORNIA CONFERENCE
5 OF DIRECTORS OF ENVIRONMENTAL HEALTH, THE SOLID
6 WASTE ASSOCIATION OF NORTH AMERICA, CALIFORNIA
7 REFUSE REMOVAL ASSOCIATION -- COUNCIL, CRRC --
8 SORRY. AND WE GREATLY APPRECIATE EVERYONE'S
9 SUPPORT AND ASSISTANCE IN PUTTING THESE TOGETHER.
10 A LOT OF ASSISTANCE, ENTHUSIASM, AND SUPPORT FROM
11 MANY FRONTS HAS GONE INTO MAKING THESE SUCCESSFUL
12 TO DATE.

13 AS YOU KNOW, TRAINING OF THIS TYPE
14 THAT IS VERY INTERACTIVE AND INVOLVES MULTIPLE
15 PARTIES ATTENDING AND BEING INVOLVED IN THE
16 DISCUSSION IS A NEW EFFORT FOR THE DIVISION, AND
17 WE VERY MUCH APPRECIATE THE CONSTRUCTIVE COMMENT
18 THAT WE'RE GETTING ON HOW TO IMPROVE THE TRAINING
19 ON A CONTINUOUS BASIS BECAUSE WE ARE LEARNING AS
20 WE GO AND TRYING TO MAKE IT BETTER BASED ON THE
21 FEEDBACK THAT WE GET FROM FOLKS WHO ARE ATTENDING.

22 OTHER TRAININGS NOW IN DEVELOPMENT
23 FOR THE NEAR FUTURE INCLUDE LANDFILL GAS
24 MONITORING PROCEDURES AND AN ORGANIC MATERIALS
25 RECYCLING OVERVIEW, SO A BROADER TRAINING THAN THE

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1 ODOR WORKSHOPS THAT WERE HELD LATE LAST YEAR.

2 IN CLOSING ON THAT ITEM, I'D LIKE TO
3 REALLY EXTEND THANKS TO ALL THE DIVISION STAFF AND
4 STAFF THROUGHOUT THE BOARD WHO ASSISTED WITH THE
5 TRAINING AND IN PARTICULAR MARK DE BIE, OUR
6 TRAINING COORDINATOR, WHO REALLY HAS PUT AN
7 EXTRAORDINARY EFFORT INTO LEARNING NEW WAYS OF
8 REACHING OUR CUSTOMERS AND, I THINK, DOING VERY
9 EFFECTIVE TRAINING. SO MY THANKS TO MARK.

10 REGARDING THE ROUND TABLES, JUST
11 VERY BRIEFLY, THE LEA ROUND TABLES WILL COMMENCE
12 TOMORROW IN REDDING AND WILL BE HELD AT SIX
13 LOCATIONS THROUGHOUT THE STATE. AND WE FIND THAT
14 THIS IS A VERY EFFECTIVE METHOD FOR BOARD STAFF
15 AND LEA STAFF TO GET TOGETHER AND TALK ABOUT
16 ISSUES OF COMMON CONCERN AND DEVELOP THOSE ISSUES
17 FURTHER FOR BOARD DELIBERATION AS NECESSARY. SO
18 JUST TO LET YOU KNOW THAT THAT WILL BE GOING ON
19 OVER THE NEXT COUPLE OF WEEKS.

20 LASTLY, JUST TO REMIND YOU AGAIN,
21 OUR SCHEDULE ON THE OTHER 50-PERCENT INITIATIVE
22 THAT WE'VE BEEN WORKING ON IN THE DIVISION, AS YOU
23 WILL RECALL, LAST MONTH I BROUGHT YOU AN UPDATE
24 AND DISCUSSION ITEM ON WHERE WE WERE AT AT THAT
25 TIME IN TERMS OF STRATEGIC PLANNING FOR THE

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1 DIVISION. SUBSEQUENTLY THE BOARD, AT YOUR SAN
2 BERNARDINO MEETING, ACTED ON SOME ASPECTS OF THE
3 BOARDWIDE STRATEGIC PLAN, WHICH INCORPORATED A LOT
4 OF THE WORK WE HAD DONE THUS FAR. WE NOW ARE
5 SEEKING TO ADD MORE DETAIL TO THAT WORK IN TERMS
6 OF IMPLEMENTATION PLANS AND RESPONDING TO SOME OF
7 THE COMMENTS RECEIVED, BOTH FROM BOARD MEMBERS
8 ABOUT ITEMS THAT MAY HAVE BEEN MISSING AS WELL AS
9 FROM THE PUBLIC.

10 WE HAD A FEW COMMENTS AT THE LAST
11 COMMITTEE MEETING ABOUT ITEMS WE MAY NOT HAVE
12 ADEQUATELY REFLECTED IN THERE. SO WE'RE LOOKING
13 AT THOSE, AND WE WOULD HOPE TO BE BACK TO YOU
14 PROBABLY IN THE JULY TIME FRAME OR WHENEVER IS
15 MOST APPROPRIATE BASED ON THE BOARDWIDE PLAN AND
16 WANTING TO MAKE SURE WE FOLLOW THAT AND
17 INCORPORATE ANYTHING THAT WE NEED TO FROM THAT
18 EFFORT. SO PROBABLY JULY AT THE EARLIEST WE WOULD
19 HOPE TO BE BACK BEFORE YOU WITH MORE DETAIL FOR
20 YOUR DISCUSSION AND CONSIDERATION.

21 AND THOSE ARE THE ITEMS I HAD
22 BROUGHT FOR TODAY. BE WELCOME -- HAPPY TO ANSWER
23 ANY QUESTIONS.

24 CHAIRMAN FRAZEE: OKAY. QUESTIONS?
25 APPARENTLY NOT. THANK YOU.

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1 NOW WE'RE READY TO MOVE INTO THE
2 PERMIT ITEMS. THE FIRST ONE OF THOSE, ITEM NO. 2,
3 CONSIDERATION OF THE NEW SOLID WASTE FACILITY
4 PERMIT FOR THE RAMONA MATERIAL RECOVERY FACILITY
5 AND TRANSFER STATION IN SAN DIEGO COUNTY.

6 MS. RICE: THANK YOU, MR. CHAIRMAN.
7 AMALIA FERNANDEZ WILL MAKE THE PRESENTATION FOR
8 STAFF.

9 MS. FERNANDEZ: GOOD MORNING. THE
10 PROPOSED PERMIT WILL ALLOW THE OPERATION OF A NEW
11 MATERIALS RECOVERY FACILITY AND TRANSFER STATION
12 TO BE LOCATED IN SAN DIEGO COUNTY. THE PROPOSED
13 OPERATOR IS IDENTIFIED AS RAMONA DISPOSAL SERVICE.
14 THE PROPOSED PERMIT WOULD ALLOW THE OPERATOR TO
15 ACCEPT UP TO 200 TONS PER DAY OF MUNICIPAL SOLID
16 WASTE.

17 RAMONA DISPOSAL SERVICE PROVIDES
18 WASTE COLLECTION TO RESIDENTIAL, COMMERCIAL, AND
19 INDUSTRIAL CUSTOMERS IN THE TOWN OF RAMONA AND
20 OTHER RURAL COMMUNITIES. RAMONA DISPOSAL SERVICE
21 ALSO COLLECTS WASTE AND RECYCLED MATERIALS FROM
22 BINS LOCATED AT RURAL TRANSFER STATIONS IN EASTERN
23 SAN DIEGO COUNTY.

24 THE CONSTRUCTION OF THE FACILITY
25 WILL BE ACCOMPLISHED IN TWO PHASES. PHASE I

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1 INCLUDES A TRANSFER BUILDING, OFFICE, TRUCK
2 MAINTENANCE BUILDING, AND A COVERED BUY-BACK
3 CENTER. PHASE II WILL EXTEND THE TRANSFER
4 BUILDING AND RESIDUE LOAD-OUT. WASTE LOADS WILL
5 BE TIPPED IN ONE OF TWO AREAS OF THE TIPPING
FLOOR

6 DEPENDING ON THE WASTE TYPE AND NECESSARY
7 PROCESSING.

8 THE FACILITY WILL PURCHASE
RECYCLED

9 MATERIALS FROM RECYCLERS, COMMERCIAL BUSINESSES,
10 AND PRIVATE INDIVIDUALS AT THE BUY-BACK CENTER.
11 THESE MATERIALS MAY INCLUDE CARDBOARD, MIXED
12 PAPER, SCRAP METALS, PLASTICS, GLASS, AND
13 ALUMINUM. MATERIALS WILL ALSO BE MANUALLY
14 RECOVERED AT THE TIPPING FLOOR. THESE MATERIALS
15 MAY INCLUDE WOOD, CARDBOARD, PAPER, GLASS,
METALS,
16 INERTS, AND PLASTIC.

17 ENVIRONMENTAL CONTROL MEASURES FOR
18 IMPACTS FROM POTENTIAL PROBLEMS HAVE BEEN
19 ADDRESSED. STAFF HAVE REVIEWED THE PROPOSED
20 PERMIT AND SUPPORTING DOCUMENTATION AND FOUND
THEM
21 SUITABLE FOR BOARD'S CONSIDERATION.

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22 STAFF, THEREFORE, RECOMMEND THE
23 BOARD ADOPT PERMIT DECISION NO. 97-174,
CONCURRING
24 IN THE ISSUANCE OF SOLID WASTE FACILITY PERMIT
NO.
25 37-AA-0925. MS. VICTORIA TOBIASON, REPRESENTING

1 THE OPERATOR, IS PRESENT TO ANSWER YOUR
QUESTIONS.

2 THIS CONCLUDES STAFF'S PRESENTATION.

3 CHAIRMAN FRAZEE: OKAY. THANK YOU.
ANY

4 QUESTIONS?

5 MEMBER JONES: MR. CHAIRMAN, I'LL MAKE
A

6 MOTION THAT WE ACCEPT PERMIT RESOLUTION NO.
7 97-174.

8 BOARD MEMBER RELIS: SECOND.

9 CHAIRMAN FRAZEE: WE HAVE A MOTION AND
A

10 SECOND ON THE ADOPTION OF THE PERMIT DECISION.
IF

11 THERE'S NO FURTHER DISCUSSION, IF THE SECRETARY
12 WILL CALL THE ROLL ON THAT, PLEASE.

13 THE SECRETARY: BOARD MEMBER RELIS.

14 MEMBER RELIS: AYE.

15 THE SECRETARY: BOARD MEMBER JONES.

16 MEMBER JONES: AYE.

17 THE SECRETARY: CHAIRMAN FRAZEE.

18 CHAIRMAN FRAZEE: AYE. ALL MEMBERS

19 VOTING AYE. IF THERE'S NO OBJECTION, WE'LL

20 RECOMMEND THAT FOR CONSENT CALENDAR AT THE
REGULAR

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21 MEETING.

22 NEXT ITEM IS CONSIDERATION OF A

23 REVISED SOLID WASTE FACILITIES PERMIT FOR THE

24 PEBBLY BEACH DISPOSAL SITE IN LOS ANGELES

COUNTY.

25 MS. RICE: THANK YOU, MR. CHAIRMAN.
THIS

1 ITEM AND THE NEXT TWO ITEMS WILL BE PRESENTED BY
2 VIRGINIA ROSALES OF DIVISION STAFF, AND I
3 UNDERSTAND DON STOCKENBERG WITH THE LOCAL
4 ENFORCEMENT AGENCY IS ALSO PRESENT TO ASSIST.

5 MS. ROSALES: GOOD MORNING. ITEM NO. 3
6 IS A REVISED PERMIT FOR THE PEBBLY BEACH LANDFILL
7 ON THE SANTA CATALINA ISLAND LOCATED IN LOS
8 ANGELES COUNTY. THE OPERATOR OF THE FACILITY IS
9 SEAGULL SANITATION SYSTEMS, A SUBSIDIARY OF THE
10 CONSOLIDATED DISPOSAL SERVICE. AND THE OWNER IS
11 THE SANTA CATALINA ISLAND COMPANY.

12 THE PERMIT IS FOR A CHANGE IN DAYS
13 AND HOURS OF OPERATION FROM 8 A.M. TO 5 P.M.
14 MONDAY THROUGH SATURDAY TO 6 A.M. TO 8 P.M. DAILY,
15 AN INCREASE IN HEIGHT FROM 200 TO 230 MEAN SEA
16 LEVEL, AN INCREASE IN TONNAGE FROM 30 TONS PER DAY
17 TO 49 TONS PER DAY, AND A CHANGE OF OPERATOR WHICH
18 OCCURRED SEVERAL YEARS AGO.

19 THE FACILITY INCLUDES AN ON-SITE
20 INCINERATOR FOR THE COMBUSTION OF THE MUNICIPAL
21 SOLID WASTE RECEIVED AT THE SITE. THE INCINERATOR
22 CONSISTS OF A BURNER BOX THAT IS 20 FEET LONG BY 8
23 FEET WIDE WITH 12-FOOT TALL EXTERIOR WALLS AND AN
24 OPEN TOP. THE WALLS AT EACH END OF THE
25 INCINERATOR ARE HINGED TO ALLOW FOR THE REMOVAL OF

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1 THE RESIDUAL OF THE BURNED WASTE. THE ASH IS
2 DEPOSITED AT THE LANDFILL. ALSO INERTS AND SEWAGE
3 SLUDGE ARE ALSO RECEIVED FOR DISPOSAL AT THE SITE.

4 THERE ARE SEVERAL ISSUES WITH THE
5 PROPOSED PERMIT, WHICH INCLUDE CURRENTLY THE
6 FACILITY IS EXEMPT FROM SUBTITLE D REQUIREMENTS
7 UNTIL OCTOBER 9, 1997, WHICH AT THAT TIME THE
8 PROJECT WILL NEED TO CHANGE AGAIN TO BE IN
9 COMPLIANCE WITH THE LAW.

10 THERE'S A QUESTION OF WHETHER THE
11 OPERATION AT THE FACILITY IS CONSIDERED OPEN
12 BURNING. IF SO, SUBTITLE D PROHIBITS OPEN BURNING
13 AT ALL MUNICIPAL SOLID WASTE FACILITIES. IT
14 APPEARS TO STAFF THAT THE BURNING WOULD BE
15 CONSIDERED TRANSFORMATION. IF THIS IS CORRECT, IN
16 PART, STATUTE REQUIRES THAT THE ASH BE ROUTINELY
17 TESTED AT LEAST ONCE A MONTH.

18 THE PROPOSED PERMIT WOULD ALLOW FOR
19 THE ACCEPTANCE OF ASBESTOS UNDER A SPECIAL PERMIT
20 ISSUED BY THE REGIONAL WATER QUALITY CONTROL
21 BOARD. ALTHOUGH ASBESTOS HAS PREVIOUSLY BEEN
22 RECEIVED AT THE SITE, THE ENVIRONMENTAL REVIEW
23 THAT WAS DONE FOR THE PROJECT DID NOT INCLUDE AN
24 ANALYSIS FOR THE ACCEPTANCE OF THIS WASTE.

25 COVER MATERIAL IS NOT APPLIED
TO THE

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1 ASH AND THE SEWAGE SLUDGE DEPOSITED AT THIS
2 LANDFILL. THE LACK OF COVER WAS NOTED AS A
3 VIOLATION DURING THE PREPERMIT INSPECTION;
4 HOWEVER, THERE IS A PROVISION IN THE COVER
5 STANDARD THAT WOULD ALLOW THE BOARD TO CONSIDER
6 ANY APPLICATION FOR DIFFERENT COVER. THEREFORE,
7 IF THE BOARD WERE TO CONSIDER THE ISSUANCE OF THIS
8 PERMIT, THAT WOULD CONSTITUTE APPROVAL OF THIS
9 SPECIAL DAILY COVER PRACTICE.

10 FINALLY, STAFF HAVE NOT RECEIVED THE
11 SIGNED CERTIFICATE FOR THE OPERATING LIABILITY TO
12 DETERMINE THE ACCEPTABILITY. AND ADDITIONALLY,
13 STAFF HAVE LEARNED THAT THE ENVIRONMENTAL REVIEW
14 SECTION HAS RECENTLY RECEIVED A NOTICE OF
15 CONSULTATION THAT HAS A PROJECT DESCRIPTION THAT
16 WOULD INCLUDE THE ADDITION OF A MRF,
17 CO-COMPOSTING, AND A HEIGHT INCREASE. STAFF DO
18 FIND CONFORMANCE WITH THE COSWMP AND THE GENERAL
19 PLAN.

20 IN CONCLUSION, STAFF IS UNABLE TO
21 MAKE A RECOMMENDATION BASED UPON THESE UNRESOLVED
22 AND OUTSTANDING ISSUES ASSOCIATED WITH THIS
23 PROJECT. THE OPERATOR IS ALSO PRESENT TO ANSWER
24 ANY QUESTIONS YOU MAY HAVE.

25 MEMBER JONES: I HAVE A QUESTION. I
HAVE

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1 A LOT OF QUESTIONS, BUT I HAVE ONE QUESTION IN
2 PARTICULAR. OCTOBER 9TH, THEY'VE GOT A VARIANCE
3 OR A WAIVER UNDER SUBTITLE D ON THE OPEN BURNING
4 ISSUE THROUGH OCTOBER 9TH. AND THEN AT THAT POINT
5 DOES THIS PERMIT BECOME INVALID OR --

6 MS. HAMBLETON: THE PERMIT IS NOT -- DOES
7 NOT BECOME INVALID. IT'S REVIEWED EVERY FIVE
8 YEARS, BUT THERE IS A CONDITION IN THE PERMIT THAT
9 FOR ANY CHANGE IN PROJECT, THAT THE LEA WOULD HAVE
10 TO CONSIDER THOSE PROJECTS. AND THERE COULDN'T BE
11 A CHANGE UNTIL THE LEA ISSUED A NEW PERMIT.
12 THAT'S A CONDITION IN THE PERMIT.

13 MEMBER JONES: BUT THEY'VE SUBMITTED SOME
14 NEW PROPOSED OPERATING PLAN OR WHATEVER JUST
15 WITHIN THE LAST COUPLE OF DAYS.

16 MS. HAMBLETON: THEY ARE GOING THROUGH
17 THE CEQA ANALYSIS FOR SOME NEW PROJECTS THAT
18 THEY'RE PROPOSING.

19 MEMBER JONES: IS THERE AN -- IS THERE AN
20 INCLINATION ON THE PART OF THE OPERATOR OR THE LEA
21 THAT THEY MIGHT WANT TO PULL THIS REQUEST UNTIL
22 THEY'VE GOTTEN THOSE THINGS TAKEN CARE OF OR DOES
23 THIS HAVE TO GO FORWARD?

24 MS. HAMBLETON: THE OPERATOR AND THE LEA
25 ARE HERE, SO I WOULD THINK THAT THEY MAY BE ABLE

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1 TO ANSWER THOSE QUESTIONS.

2 MEMBER JONES: YEAH, I'D LIKE TO FIND
3 OUT.

4 MEMBER RELIS: I'D ECHO THAT. I MEAN WE
5 DIDN'T GET THIS EXTENT OF THIS -- THE PROBLEMS
6 HERE IN OUR BRIEFING, SO --

7 MS. RICE: WE LEARNED OF MUCH OF THIS
8 INFORMATION LATE YESTERDAY AFTERNOON AND THIS
9 MORNING. SO APOLOGIZE FOR THE DELAY. IT WAS
LATE
10 BREAKING FOR US AS WELL.

11 MEMBER JONES: AND WE'RE UNDER A TIME
12 CLOCK. ONCE THIS COMES IN, WE'VE GOT TO DEAL
WITH
13 IT.

14 MS. RICE: ON THIS CURRENT SUBMITTAL,
15 YES.

16 MEMBER JONES: UNLESS THE OPERATOR OR
THE
17 LEA WANTS TO PULL IT.

18 MS. RICE: WITHDRAWN, CORRECT.

19 CHAIRMAN FRAZEE: YES, WE COULD HEAR
FROM
20 THE LEA.

21 MR. STOCKENBERG: DON STOCKENBERG, LOS
22 ANGELES COUNTY.

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23 MEMBER JONES: MORNING. COUPLE
24 QUESTIONS. THE NEW PROPOSED OPERATING PLAN
25 DEALING WITH, I GUESS, WITH THE POTENTIAL MRF AND

1 SOME OTHER ISSUES, IS THAT SOMETHING YOU THINK IS
2 GOING TO MOVE ALONG RAPIDLY OR --

3 MR. STOCKENBERG: IN THIS BUSINESS
4 NOTHING MOVES ALONG RAPIDLY UNFORTUNATELY, BUT IT
5 IS BEFORE THE REGIONAL PLANNING COMMISSION IN LOS
6 ANGELES COUNTY AT THIS TIME. THEY'RE PROPOSING A
7 NEGATIVE DECLARATION FOR IT, SO THAT SHOULD SPEED
8 THE PROCESS UP SOMEWHAT.

9 MEMBER JONES: IF ON OCTOBER 9TH THE
10 WAIVER UNDER SUBTITLE D FOR THE OPEN BURNING
11 OPERATION ENDS, AND YOU'RE NO LONGER GOING TO BE
12 ALLOWED TO BURN, AND I DON'T KNOW IF THAT'S
13 ACCURATE, BUT I'M ASSUMING THAT IT'S ACCURATE
14 BASED ON MOST OF WHAT I'VE SEEN, ARE YOU
15 PROPOSING, THEN, TO DO SOME TYPE OF SORTING AT THE
16 FACILITY AND THEN BURY THE SOLID WASTE, NOT THE
17 ASH, AT THE LANDFILL? WOULD THAT BE THE PLAN?

18 MR. STOCKENBERG: WELL, THE WASTE WOULD
19 HAVE TO BE BURIED, BUT THERE'S A PROBLEM WITH IT,
20 OF COURSE. AND THE SITE IS UNLINED, AND IT WOULD
21 BE DIFFICULT TO CONVINCE ANYBODY TO ALLOW
22 UNTREATED WASTE TO BE BURIED THERE. SO WE'RE
23 HOPING FOR THE BEST. I DON'T KNOW WHAT ELSE TO
24 TELL YOU IN THAT RESPECT.

25 MS. RICE: COULD I ASK FOR A CLARIFICA-

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1 TION? BASED ON THE PLANS THAT ARE CURRENTLY BEING
2 WORKED ON, IS THE PRESUMPTION THAT THE BURNING
3 WOULD CONTINUE AFTER OCTOBER? I THINK THAT'S WHAT
4 WE'RE TRYING TO DETERMINE.

5 MR. STOCKENBERG: WELL, THE MOST
6 EFFICIENT WAY OF DEALING WITH THE TRASH ON
7 CATALINA ISLAND IS TO INCINERATE IT. BUT THERE IS
8 A PROHIBITION AGAINST DOING THAT AFTER OCTOBER.
9 THEY'VE BEEN GIVEN A TWO-YEAR EXTENSION AS A SMALL
10 VOLUME PLACE ALREADY. NOW, WHO KNOWS WHAT MAY
11 HAPPEN IN THE FUTURE? EPA COULD GIVE THEM ANOTHER
12 TWO YEARS. THERE MAY BE SOME KIND OF EMERGENCY
13 LEGISLATION THAT COULD BE PASSED AT THE FEDERAL
14 LEVEL TO ALLOW IT TO CONTINUE TO BE BURNED UNTIL
15 THE NEW PROCESSING FACILITY COMES ON-LINE.

16 MS. RICE: SO IT SOUNDS AS THOUGH THERE
17 ARE NOT IMMEDIATE PLANS TO STOP THE OPEN BURNING.

18 MR. STOCKENBERG: NOT UNTIL OCTOBER.

19 MR. DIER: MR. CHAIRMAN, IF I MIGHT, I'D
20 LIKE TO COMMENT ON THE POINT THE LEA JUST MADE
21 THOUGH WITH REGARD TO BURIAL OF WASTE. I BELIEVE
22 THIS SITE, AS IT CURRENTLY IS CONFIGURED, I
23 BELIEVE IT'S 3.3 ACRES IS THE PERMITTED. THERE'S
24 BEEN NO LATERAL EXPANSION SINCE THE ENACTMENT OF
25 THE SUBTITLE D REQUIREMENTS. SO I THINK THEY

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1 WOULD BE ALLOWED UNDER FEDERAL AND STATE LAW TO BE
2 ABLE TO GO AHEAD AND PUT WASTE INTO IT EVEN THOUGH
3 IT IS UNLINED.

4 MR. STOCKENBERG: THERE'D BE NO PROBLEM
5 FROM OUR POINT OF VIEW IN DOING THAT. THERE'S NO
6 USABLE GROUNDWATER UNDERNEATH THIS SITE. AND
7 THERE'S -- IT'S A VERY SMALL AMOUNT OF WASTE
8 ACTUALLY THAT IS DELIVERED TO THIS SITE ON A DAILY
9 BASIS.

10 MEMBER JONES: ALL RIGHT. I APPRECIATE
11 THAT.

12 MR. STOCKENBERG: APPROXIMATELY 20 TONS A
13 DAY, IF THAT, IN THE PEAK OF THE TOURIST SEASON.

14 MEMBER JONES: I APPRECIATE THOSE THINGS.
15 I UNDERSTAND THE SITUATION YOU'RE IN, AND IT'S NOT
16 A REAL EASY ONE.

17 MR. STOCKENBERG: NO, IT'S A UNIQUE
18 SITUATION IN THE STATE OF CALIFORNIA. BUT THIS
19 PERMIT ADDRESSES THE OPERATION AS IT IS CURRENTLY
20 CONFIGURED. THIS PERMIT IS NOT ADDRESSING
21 ANYTHING THAT MAY BE IN THE FUTURE. THEY WILL
22 OBVIOUSLY APPLY FOR A REVISED PERMIT WHEN THEIR
23 NEW FACILITY COMES ON-LINE. THEIR PLANS ARE
24 FORMULATED. THEY HAVE A LAND USE PERMIT FOR WHAT
25 THEY WANT TO DO THERE, ALL OF THOSE THINGS.

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1 MEMBER JONES: OKAY.

2 CHAIRMAN FRAZEE: OKAY. I WONDER IF THE
3 OPERATOR IS -- YES, WOULD YOU MIND COMING FORWARD.
4 WHILE HE'S COMING UP, MY QUESTION OF STAFF IS WHAT
5 IS THE EFFECT OF US NOT APPROVING THIS PERMIT AT
6 THIS TIME? THEN THEY'RE OBVIOUSLY IN VIOLATION,
7 WHICH THEY ARE.

8 MS. RICE: THE EXISTING PERMIT WOULD
9 GOVERN, I ASSUME, IF YOU DIDN'T APPROVE THIS
10 PERMIT TODAY. AND I ASSUME YOU WOULD NEED TO
11 FORMULATE YOUR GROUNDS FOR NONCONCURRENCE IN THIS
12 PERMIT THAT'S PROPOSED.

13 CHAIRMAN FRAZEE: AND THE EXISTING PERMIT
14 IS A 1978 PERMIT.

15 MR. DIER: 1985 PERMIT, I BELIEVE.

16 CHAIRMAN FRAZEE: 1985.

17 MR. DIER: AND THE OPERATOR HAS CHANGED,
18 SO IT WOULD BE INACCURATE WITH REGARD TO THE NAMED
19 OPERATOR AND THE OTHER CHANGES THAT ARE PROPOSED
20 IN THE PERMIT WITH REGARD TO TONNAGE.

21 MEMBER JONES: AS FAR AS THE PERMIT
22 ITSELF GOES THAT WE'RE DEALING WITH RIGHT NOW, I
23 HAD QUESTIONS ABOUT HOW THAT WAIVER WOULD -- OR
24 NOT WAIVER, EXCLUSION OR WHATEVER THE RIGHT TERM
25 IS. IF WE ISSUED THIS PERMIT, IT WOULD DEAL WITH

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1 THE HEIGHT EXPANSION AT THE LANDFILL, THOSE TYPES
2 OF ISSUES. THE ISSUE OF THE OPEN BURNING IS THEIR
3 ISSUE BETWEEN THE EPA AND UNDER SUBTITLE D.

4 MS. RICE: ALTHOUGH THIS PERMIT
5 AUTHORIZES THAT ACTIVITY, CORRECT? I MEAN THAT IS
6 THE ONGOING ACTIVITY AT THE FACILITY.

7 MEMBER JONES: BUT IT DOESN'T SUPERSEDE
8 ANY WAIVERS THAT -- I MEAN THE WAIVER WOULD STILL
9 HAVE EFFECT -- I MEAN HAVE PRECEDENT OVER THIS.

10 MR. DIER: THE WAIVER WOULD HAVE EFFECT
11 AND, IN FACT, THE PUBLIC RESOURCES CODE 43022 WITH
12 REGARD TO OPEN BURNING CROSS-REFERENCES THE
13 SUBTITLE D REQUIREMENTS, WHICH ESSENTIALLY ALLOWS
14 FOR ANY OPERATIONS THAT ARE SANCTIONED UNDER
15 SUBTITLE D, BUT WITHIN PRC PROHIBITS IT ON THE
16 DATE THAT THE FEDERAL LAW WOULD PROHIBIT IT.

17 AND THE PERMIT DOES ADDRESS IT, AS
18 SUZANNE MENTIONED, IN A SPECIFICATION OF THE
19 PERMIT. IT INDICATES THAT THE SITE IS EXEMPT
FROM

20 THE REQUIREMENTS OF 40 CFR 258, WHICH IS OPEN
21 BURNING, UNTIL OCTOBER 1997 OR UNTIL SUCH DATE AS
22 ESTABLISHED BY STATE AND FEDERAL LAWS AND/OR
23 REGULATIONS. AFTER SUCH DATE, THE OPERATOR WILL
24 RETURN TO BURYING THE WASTE UNBURNED AND/OR BY

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ANY

25 PROCESS APPROVED BY THE LOCAL ENFORCEMENT AGENCY.

1 I THINK IF ANY -- I DON'T HAVE -- I
2 THINK THAT FAIRLY WELL CHARACTERIZES THE EXISTING
3 OPERATION AND WHAT WOULD BE ANTICIPATED IN
4 OCTOBER. THE ONLY ISSUE I WOULD HAVE IS I THINK
5 IN ADDITION TO THE LEA, I THINK THE BOARD WOULD
6 NEED TO BE INVOLVED IN ANY APPROVAL OF AN
7 ALTERNATIVE OPERATION. I DON'T THINK AT THIS
8 POINT THAT'S AT THE SOLE DISCRETION OF THE LOCAL
9 ENFORCEMENT AGENCY.

10 CHAIRMAN FRAZEE: WELL --

11 MEMBER JONES: THAT ANSWERED MY QUESTION.

12 CHAIRMAN FRAZEE: I WAS GOING TO INQUIRE
13 FURTHER ABOUT PLANS AFTER OCTOBER.

14 MR. BUKOJEMSKY: MY NAME IS STEFAN
15 BUKOJEMSKY. I'M DIRECTOR OF PLANNING FOR
16 CONSOLIDATED.

17 WE ARE CURRENTLY HAVE SUBMITTED FOR
18 A CONDITIONAL USE PERMIT WITH THE L.A. COUNTY
19 REGIONAL PLANNING. THAT WAS SUBMITTED IN
20 SEPTEMBER OF LAST YEAR. SEQUENCE OF EVENTS OF
21 PEOPLE RETIRING, SOMEBODY TAKING A THREE-MONTH
22 LEAVE OF ABSENCE, NOTHING HAS HAPPENED SINCE
THEN.

23 RIGHT NOW THE BUILDING, THE
24 STRUCTURE, ACTUAL STRUCTURE IS UNDER DESIGN. I

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25 SHOULD HAVE THE PLANS THIS WEEK. THE SORTING
LINE

1 FOR A MRF IS UNDER DESIGN. WE HAVE PRETTY MUCH
2 AGREED WITH THE CITY IN TERMS OF FINANCING. WE
3 ARE CURRENTLY WORKING WITH THE ISLAND COMPANY, WHO
4 IS THE OWNER OF THE PROPERTY. THEY NO LONGER WANT
5 TO BE THE OWNER OF THE PROPERTY. THEY'RE TRYING
6 TO PASS THE PROPERTY ON TO THE CITY. THEY'RE
7 HAVING DISCUSSIONS ABOUT IT. WE'RE STUCK IN THE
8 MIDDLE.

9 WE'RE READY TO GO AS SOON AS THE
10 PERMITS ARE ISSUED. CONSTRUCTION SHOULD START
11 IF -- YOU KNOW, MY PLANS SHOULD BE READY IN A
12 MONTH. THEN THEY GO TO THE L.A. COUNTY PUBLIC
13 WORKS FOR PLAN CHECK, BUILDING DEPARTMENT. AND WE
14 SHOULD BE PRETTY MUCH READY.

15 THE SYSTEM WILL DO THE FOLLOWING:
16 THE MSW COMING IN WILL BE CLEANED UP THROUGH A
17 NEGATIVE SORT. ALL THE RECYCLABLES WILL BE TAKEN
18 OUT. ONLY THE REJECTS WILL REMAIN, AND THEY'RE
19 GOING TO BE BALED AND PUT INTO LANDFILL. EVERY
20 ORGANIC PIECE, AND MOST OF IT ON THE ISLAND IS
21 ORGANIC BECAUSE AT THE HEIGHT OF THE TOURIST
22 SEASON WE GET A LOT OF FISH HEADS, STUFF LIKE
23 THAT, WILL BE USED WITH THE GREEN WASTE, SHREDDED
24 INTO A FEEDSTOCK, PUT INTO THE AG BACK SYSTEM.
25 FORCED AIR WILL BE MOVED INTO IT.

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1 THE REASON WE SELECTED THE AG BACK
2 SYSTEM IS BECAUSE OF THE SENSITIVE LOCATION OF
THE
3 LANDFILL. WE GET WINDS OVER THERE. WE DON'T
WANT
4 WIND ROW TURNING OR ANYTHING ELSE, SO IT'S A
5 CONTAINED VESSEL.
6 SECONDLY, IF WE HAVE A BAD DAY OF
7 RAIN OR SOMETHING LIKE THAT, WE DON'T HAVE TO
OPEN
8 UP THE BAG. SO THE CONDITIONS ARE PERFECT FOR US
9 TO UTILIZE IT. TO OPEN IT UP, CLEAN IT OUT, AND
10 SO ON. WE'VE MADE ARRANGEMENTS WITH THE CITY TO
11 EXPAND THEIR GOLF COURSE, SO THE COMPOST WILL BE
12 USED ON THE ISLAND.
13 I THINK WE'VE PRETTY MUCH COVERED
14 EVERY ANGLE WE COULD POSSIBLY DO, AND IT'S
15 PROBABLY GOING TO BE ONE OF THE FIRST EXAMPLES OF
16 TOTAL MSW COMPOSTING INCLUDING THE SLUDGE.
SLUDGE
17 PRESENTS A PROBLEM BECAUSE THEY USE SALTWATER IN
18 THEIR TOILETS.
19 NOW, THEY PUT A CENTRIFUGE WHICH
20 TAKES OUT A LOT OF THE SALT. SO THE QUESTION
WILL
21 BE IT WILL TAKE US A LITTLE WHILE TO WORK OUT THE

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22 RECIPE TO GET THE CAKE RIGHT. HOW MUCH WE CAN
PUT

23 IN AND NOT OVERSALT IT. WE DON'T EXPECT MIRACLES

24 THE FIRST MONTH, BUT WE'RE IN A LOCATION THAT IF

25 WE DO LOSE A BAG TO ANAEROBIC, THE SMELL, THE

1 GENERATED -- THE ODOR THAT COULD BE GENERATED
FROM

2 THERE WOULD BE NOT VERY MUCH COMPARATIVE TO THE
3 SEWAGE TREATMENT PLANT WHICH IS RIGHT NEXT TO US.
4 SO I THINK THE SITUATION IS JUST IDEAL TO BE ABLE
5 TO DO SOMETHING LIKE THAT.

6 MEMBER JONES: OKAY.

7 CHAIRMAN FRAZEE: DID YOU HAVE ANY
8 QUESTIONS?

9 MEMBER JONES: ALL RIGHT. BASED ON ALL
10 OF THIS INFORMATION THAT WE JUST RECEIVED, I
11 WILL -- I DON'T HAVE A RESOLUTION. I'LL PROPOSE
12 THAT WE ISSUE THE PERMIT.

13 MS. HAMBLETON: CAN I JUST MAKE A
COMMENT

14 BECAUSE THE PROJECT THAT THE PROPONENT --

15 MEMBER JONES: I UNDERSTAND. I KNOW
16 THAT'S WHAT WE'RE DOING. WHAT I FELT THAT WE'RE
17 DEALING WITH WHAT IS IN EFFECT TODAY. THERE'S
18 GOING TO BE A WAIVER OR WHATEVER THE ISSUE IS
19 GOING TO BE ON OCTOBER 9TH WITH THE FED EPA UNDER
20 SUBTITLE D, YOU'VE ALREADY TAKEN CARE OF IT IN
21 THIS PERMIT.

22 MS. HAMBLETON: OKAY. THERE IS ONE
OTHER

23 ISSUE, I THINK, THAT BEFORE YOU MAKE A

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24 RECOMMENDATION, WE MAYBE SHOULD DISCUSS, AND
25 THAT'S THE TRANSFORMATION ISSUE.

1 IF, INDEED, THIS IS TRANSFORMATION,
2 THEY'RE NOT COMPLYING WITH THE STATUTE, AND
3 THERE'S SEVERAL COMPONENTS OF THAT. THE ASH IS
4 NOT BEING TESTED MONTHLY. AND I THINK ANOTHER
5 REQUIREMENT IS THAT THE MATERIALS NEED TO BE --
6 THE RECYCLABLES NEED TO BE PULLED OUT BEFORE
7 THEY'RE BURNED, AND THAT'S NOT OCCURRING. WE JUST
8 BECAME AWARE OF THIS RECENTLY, SO WE HAVEN'T HAD
9 TIME TO MAKE A DETERMINATION ON WHETHER THIS IS OR
10 IS NOT A TRANSFORMATION FACILITY. IT DOES FIT THE
11 DEFINITION.

12 MS. TOBIAS: AND SO I THINK WHAT MS.
13 HAMBLETON IS SAYING IS THAT WHAT WOULD BE BETTER
14 IS PROBABLY THIS JUST TO MOVE FORWARD TO THE BOARD
15 SO THAT WE COULD FINISH THE RESEARCH WE'RE DOING
16 ON THIS. LEGAL IS STILL LOOKING INTO THE
17 TRANSFORMATION ISSUE. AND AS SUZANNE SAID, I
18 THINK THERE'S SEVERAL OTHER ISSUES SURROUNDING
19 THAT THAT WE HOPE TO BE ABLE TO GET BACK TO THE
20 BOARD ON THAT WOULD BASICALLY FURTHER EXPLAIN THIS
21 ISSUE.

22 MEMBER JONES: BUT I HAVE A QUESTION.
23 UNDER THE OPEN BURNING POLICY THAT THIS WAIVER IS
24 EXISTING OR THIS EXISTING WAIVER IS IN PLACE, DID
25 IT HAVE REQUIREMENTS ON REMOVING RECYCLABLES

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1 BEFOREHAND AND TESTING THE ASH?

2 MS. RICE: NO.

3 MR. DIER: NOT UNDER FEDERAL LAW.

4 MEMBER JONES: BUT UNDER PRC --

5 MR. DIER: PUBLIC RESOURCES CODE FOR
6 TRANSFORMATION, THOSE REQUIREMENTS HAVE EXISTED
7 FOR A NUMBER OF YEARS.

8 MS. RICE: I THINK THE DISTINCTION IS WE
9 WERE NOT CONNECTING THE DEFINITION OF OPEN BURNING
10 WITH THE DEFINITION OF TRANSFORMATION, AND IT IS
11 ONLY THE TRANSFORMATION DEFINITION AND GOVERNING
12 STATUTES THAT SPEAK TO ALL THESE ADDITIONAL
13 REQUIREMENTS.

14 MS. TOBIAS: REALLY TWO SEPARATE ISSUES.

15 MR. DIER: MR. CHAIRMAN, IF I COULD, I
16 WOULD ALSO -- IF THIS ITEM WOULD BE GOING FORWARD
17 WITHOUT RECOMMENDATION AT THIS POINT, I WOULD LIKE
18 ONE OTHER ASPECT TO BE PUT INTO THE RECORD. AND
19 I'VE ASKED MARK DE BIE OF OUR ENVIRONMENTAL REVIEW
20 STAFF TO COMMENT ON A CEQA ASPECT HERE BECAUSE WE
21 JUST RECENTLY BECAME MORE AWARE OF BECAUSE OF
22 FILINGS WITH THE STATE CLEARINGHOUSE ON THESE
23 PROJECTS THAT THE OPERATOR HAS JUST MENTIONED.
24 I'D LIKE MARK TO REFRESH COMMITTEE MEMBERS ON
OUR
25 RESPONSIBILITIES UNDER CEQA.

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1 MR. DE BIE: GOOD MORNING. MARK DE BIE
2 WITH THE ENVIRONMENTAL REVIEW SECTION. THE LEA
3 DETERMINED THAT THE PROJECT AS DESCRIBED IN THIS
4 PERMIT WAS EXEMPT UNDER CEQA FOR THE HEIGHT
5 INCREASE AND THE INCREASE IN TONNAGE. NOW, WITH
6 THIS NEW INFORMATION THAT WE HAVE ABOUT ALL THESE
7 ANCILLARY ACTIVITIES GOING ON, STAFF HAD QUESTIONS
8 ABOUT THE APPROPRIATENESS OF THAT EXEMPTION.

9 EXEMPTIONS ARE NOT USUALLY UTILIZED
10 WHEN THERE IS A POTENTIAL FOR CUMULATIVE IMPACTS.
11 AND HAVING A NUMBER OF THESE PROJECTS OCCURRING ON
12 THE LANDFILL MAY PRODUCE CUMULATIVE IMPACTS. WE
13 HAVE TO LOOK INTO THAT.

14 AND THEN ALSO THE QUESTION OF
15 UNUSUAL CIRCUMSTANCES. CATALINA ISLAND IS A
16 UNIQUE ENVIRONMENT. AND WHETHER OR NOT AN
17 EXEMPTION WOULD BE APPROPRIATE FOR UNUSUAL
18 CIRCUMSTANCES HASN'T BEEN DETERMINED AS YET BY
19 STAFF. SO WE WOULD NEED TIME TO DISCUSS THIS
20 FURTHER WITH THE LEA, OPERATOR, AND WHOEVER ELSE
21 IS INVOLVED WITH THE CEQA DETERMINATIONS TO BE
22 ABLE TO GIVE YOU ADDITIONAL INFORMATION AND A
23 RECOMMENDATION ABOUT THE CEQA ADEQUACY.

24 CHAIRMAN FRAZEE: OKAY. SO THEN OUR
25 RECOMMENDATION IS THAT WE MOVE THIS TO THE FULL

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1 BOARD WITHOUT RECOMMENDATION.

2 MEMBER RELIS: I'LL MAKE THAT MOTION, TO
3 MOVE THIS TO THE BOARD WITHOUT RECOMMENDATION.

4 MEMBER JONES: I'LL SECOND IT.

5 CHAIRMAN FRAZEE: WE HAVE A MOTION AND A
6 SECOND. SECRETARY WILL CALL THE ROLL ON THAT,
7 PLEASE.

8 THE SECRETARY: BOARD MEMBER RELIS.

9 MEMBER RELIS: AYE.

10 THE SECRETARY: BOARD MEMBER JONES.

11 MEMBER JONES: AYE.

12 THE SECRETARY: CHAIRMAN FRAZEE.

13 CHAIRMAN FRAZEE: AYE. MOTION IS
14 CARRIED.

15 NOW, ITEM NO. 4 IS THE CONSIDERATION
16 OF A REVISED SOLID WASTE FACILITY PERMIT FOR THE
17 CARSON TRANSFER STATION AND MATERIALS RECOVERY
18 FACILITY IN LOS ANGELES COUNTY.

19 MS. ROSALES: YOU SHOULD HAVE RECEIVED A
20 COPY OF THE RESOLUTION. AS YOU SAID, THIS IS A
21 REVISED PERMIT FOR THE CARSON TRANSFER STATION AND
22 MATERIALS RECOVERY FACILITY LOCATED IN LOS ANGELES
23 COUNTY. THE OWNER/OPERATOR IS WESTERN WASTE
24 INDUSTRIES, A SUBSIDIARY OF U.S. WASTE SERVICES.
25 THE PERMIT IS BEING REVISED TO ALLOW

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1 FOR AN INCREASE IN TONNAGE FROM 2,600 TONS PER DAY
2 TO 5,300 TONS PER DAY, A CHANGE IN THE OPERATING
3 HOURS FOR RECEIPT OF WASTE FROM 6 A.M. TO 6 P.M.
4 MONDAY THROUGH SATURDAY AND 8 A.M. TO 8 P.M. ON
5 SUNDAY TO 3 A.M. TO 8 P.M. MONDAY THROUGH SATURDAY
6 AND 7 A.M. TO 8 P.M. ON SUNDAY. ALSO, THE
7 FACILITY WOULD BE ALLOWED TO OPERATE 24 HOURS PER
8 DAY FOR THE HANDLING AND PROCESSING OF THE WASTE.

9 AN EXPANSION OF THE MATERIALS
10 RECOVERY FACILITY AND ALSO THE OPERATION OF -- I'M
11 NOT SURE IF I JUST SAID THAT. AN EXPANSION OF THE
12 MATERIALS RECOVERY FACILITY AND THE OPERATION OF
13 THE MATERIALS RECOVERY -- DID I DO THAT AGAIN?
14 I'M SORRY.

15 THE TRANSFER STATION WAS ORIGINALLY
16 ESTABLISHED IN 1970. THE EXISTING PERMIT WAS
17 ISSUED IN 1995. THE FACILITY PROPERTY ENCOMPASSES
18 ALMOST SEVEN ACRES. THE PROPOSED CHANGES WILL
19 OCCUR IN TWO PHASES. THE FIRST PHASE, THE
20 TRANSFER BUILDING WILL BE EXPANDED. THE SECOND
21 PHASE, THE MATERIAL RECOVERY FACILITY WILL BE
22 CONSTRUCTED.

23 THE PROJECTED RECOVERY RATE BASED
24 UPON THE 5,300 TONS PER DAY IS ANTICIPATED TO BE
25 13.7 PERCENT.

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1 BOARD STAFF HAVE REVIEWED THE
2 PROPOSED PERMIT AND SUPPORTING DOCUMENTATION AND
3 HAVE FOUND THE PERMIT TO BE ACCEPTABLE. THE
4 FACILITY IN CONFORMANCE WITH THE COSWMP,
5 CONSISTENT WITH THE CITY'S GENERAL PLAN, THE
6 ENVIRONMENTAL DOCUMENTATION PREPARED FOR THE
7 PROJECT IS ADEQUATE AND APPROPRIATE FOR THE
8 BOARD'S USE IN EVALUATING THE PROPOSED PERMIT, AND
9 NO VIOLATION OF STATE MINIMUM STANDARDS WERE FOUND
10 DURING THE PREPERMIT INSPECTION CONDUCTED BY BOARD
11 STAFF IN CONJUNCTION WITH THE LEA STAFF.

12 THEREFORE, STAFF RECOMMEND THE BOARD
13 ADOPT PERMIT DECISION NO. 97-176, CONCURRING IN
14 THE ISSUANCE OF SOLID WASTE FACILITIES PERMIT
NO.

15 19-AQ-001. THIS CONCLUDES STAFF'S
PRESENTATION.

16 THE OPERATOR IS PRESENT TO ANSWER ANY
QUESTIONS

17 YOU MAY HAVE.

18 CHAIRMAN FRAZEE: ANY QUESTIONS OF
THE

19 OPERATOR? WE DON'T HAVE ANY SPEAKER SLIPS.
IF

20 NOT, WE HAVE A PERMIT DECISION BEFORE US.

21 MEMBER JONES: I'LL PUT FORWARD

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PERMIT

22 DECISION NO. 97-176 FOR APPROVAL.

23 MEMBER RELIS: SECOND.

24 CHAIRMAN FRAZEE: WE HAVE A MOTION

AND

25 SECOND ON THE ADOPTION OF PERMIT DECISION 97-
176.

1 SECRETARY WILL CALL THE ROLL ON THAT, PLEASE.

2 THE SECRETARY: BOARD MEMBER RELIS.

3 MEMBER RELIS: AYE.

4 THE SECRETARY: BOARD MEMBER JONES.

5 MEMBER JONES: AYE.

6 THE SECRETARY: CHAIRMAN FRAZEE.

7 CHAIRMAN FRAZEE: AYE. MOTION IS

8 CARRIED. AND WITHOUT OBJECTION, WE'LL RECOMMEND

9 THE CONSENT CALENDAR ON THAT ONE.

10 NOW, NO. 5 IS THE CONSIDERATION OF A

11 NEW SOLID WASTE FACILITIES PERMIT FOR THE ANTELOPE

12 VALLEY PUBLIC LANDFILL II IN LOS ANGELES COUNTY.

13 STAFF REPORT, PLEASE.

14 MS. ROSALES: THAT IS CORRECT THAT IT IS

15 A NEW PERMIT. I JUST WANT TO POINT OUT THE TITLE

16 INCORRECTLY STATES REVISED.

17 THERE ARE ALSO -- YOU SHOULD HAVE

18 RECEIVED A NEW REVISED PROPOSED PERMIT BEFORE YOU.

19 THERE HAVE BEEN SOME MINOR CHANGES THAT INCLUDE

20 THE ESTIMATED CLOSURE DATE, THE COVER-TO-REFUSE

21 RATIO, AND THE DENSITY. AND ALSO, YOU SHOULD HAVE

22 RECEIVED A COPY OF THE RESOLUTION.

23 THE OWNER/OPERATOR IS ARKLAND

24 BROTHERS ENTERPRISE DOING BUSINESS AS PALMDALE

25 DISPOSAL COMPANY. THE FACILITY IS LOCATED IN THE

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1 UNINCORPORATED AREA OF LOS ANGELES COUNTY.

2 THE PERMIT WOULD ALLOW FOR THE
3 ACCEPTANCE OF 1800 TONS PER DAY OF NONHAZARDOUS
4 MIXED MUNICIPAL WASTE. THE ESTIMATED CLOSURE DATE
5 IS 2008 IN THE PROPOSED PERMIT.

6 OPERATION OF THE FACILITY IS
7 ANTICIPATED TO COMMENCE IN 1999 WHEN THE EXISTING
8 AND ADJACENT LANDFILL REACHES CAPACITY AND
9 PREPARES FOR CLOSURE.

10 THE PROPOSED PERMIT WAS ORIGINALLY
11 SCHEDULED FOR APRIL, BUT BOARD STAFF HAD REQUESTED
12 ADDITIONAL AND/OR CLARIFYING INFORMATION RELATIVE
13 TO THE REPORT OF DISPOSAL SITE INFORMATION. THE
14 OPERATOR WAIVED THE TIME, AND THE LEA PULLED THE
15 PERMIT, REQUESTING THAT IT BE CONSIDERED AT THE
16 MAY MEETINGS.

17 AT THIS TIME BOARD STAFF HAVE
18 RECEIVED ALL THE REQUESTED INFORMATION AND FIND
19 THAT IT MEETS -- THE RDSI MEETS TITLE 14
20 REQUIREMENTS. THEREFORE, STAFF HAVE REVIEWED
21 EVERYTHING, FIND THAT THE CEQA IS ADEQUATE,
22 FINANCIAL ASSURANCES ARE ADEQUATE, AND THE PERMIT
23 IS ACCEPTABLE FOR THE BOARD'S CONSIDERATION OF
24 CONCURRENCE. THEREFORE, STAFF RECOMMEND THE BOARD
25 ADOPT PERMIT DECISION NO. 97-130, CONCURRING IN

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1 THE ISSUANCE OF SOLID WASTE FACILITIES PERMIT
2 19-AA-56-24. THIS CONCLUDES STAFF'S PRESENTATION.

3 CHAIRMAN FRAZEE: OKAY. THANK YOU.
4 QUESTIONS ON THIS ONE? IF NOT, A MOTION IS IN
5 ORDER.

6 MEMBER JONES: MAKE A MOTION ON PERMIT
7 NO. 97-130.

8 MEMBER RELIS: I'LL SECOND THE MOTION.

9 CHAIRMAN FRAZEE: WE HAVE A MOTION AND
10 SECOND ON THE ADOPTION OF PERMIT DECISION.
11 SECRETARY WILL CALL THE ROLL ON THAT, PLEASE.

12 THE SECRETARY: BOARD MEMBER RELIS.

13 MEMBER RELIS: AYE.

14 THE SECRETARY: BOARD MEMBER JONES.

15 MEMBER JONES: AYE.

16 THE SECRETARY: CHAIRMAN FRAZEE.

17 CHAIRMAN FRAZEE: AYE. ALL MEMBERS
18 VOTING AYE. IF THERE'S NO OBJECTION, WE'LL
19 RECOMMEND THAT FOR THE CONSENT CALENDAR.

20 NOW, ITEM NO. 6 IS THE CONSIDERATION
21 OF A REVISED SOLID WASTE FACILITIES PERMIT FOR THE
22 SANTA MARIA CITY LANDFILL IN SANTA BARBARA COUNTY.

23 MS. RICE: THANK YOU, MR. CHAIRMAN.

24 TERRY SMITH OF THE PERMITS BRANCH WILL OPEN THE
25 PRESENTATION, I BELIEVE, ASSISTED BY A NUMBER OF

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1 DIVISION STAFF FROM THE FINANCIAL ASSURANCES
2 SECTION. ENFORCEMENT STAFF ARE ALSO PRESENT TO
3 ASSIST AS IS MIKE SCHMAELING REPRESENTING THE
4 LOCAL ENFORCEMENT AGENCY. LOOKS LIKE WE HAVE A
5 LARGE GROUP PRESENTATION. GIVE THEM A MOMENT TO
6 FIND A SEAT.

7 MR. SMITH: THE SANTA MARIA LANDFILL
8 REVISION -- THIS PERMIT REVISION IS NECESSARY TO
9 INCORPORATE OPERATIONAL AND DESIGN CHANGES THAT
10 HAVE OCCURRED AND ARE PLANNED AT THE LANDFILL
11 SINCE THE ISSUANCE OF THE LAST PERMIT IN 1978.
12 SIGNIFICANT CHANGES INCLUDE AN INCREASE IN MAXIMUM
13 TONNAGE FROM 200 TO 740 TONS PER DAY, ADDITION OF
14 WOODWASTE PROCESSING, ESTABLISHMENT OF A
15 DESIGNATED AREA FOR STORAGE AND BALING OF WHITE
16 METAL APPLIANCES, ESTABLISHMENT OF A DESIGNATED
17 AREA FOR THE RECEIPT AND DISPOSAL OF NONFRIABLE
18 ASBESTOS, THE ADDITION OF HOUSEHOLD HAZARDOUS
19 WASTE COLLECTION FACILITY, THE ADDITION OF A GAS
20 EXTRACTION SYSTEM AND MONITORING PROGRAM, AND A
21 VERTICAL EXPANSION OF THE SITE FROM 325 FEET MEAN
22 SEA LEVEL TO 340 FEET MEAN SEA LEVEL.

23 DURING THE PREPERMIT INSPECTION OF
24 MARCH 11, 1997, ONE VIOLATION OF STATE MINIMUM
25 STANDARDS FOR EXPLOSIVE GASES WAS FOUND. ELEVATED

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1 LEVELS OF METHANE GAS WERE FIRST DISCOVERED AT THE
2 LANDFILL PROPERTY BOUNDARY IN 1994 WHEN PERIMETER
3 GAS PROBES WERE FIRST INSTALLED.

4 TITLE 14 PROHIBITS THE CONCENTRATION
5 OF METHANE GAS TO EXCEED 5 PERCENT BY VOLUME, THE
6 LOWER EXPLOSIVE LIMIT, AT THE PROPERTY BOUNDARY.
7 SINCE THE DISCOVERY OF LANDFILL GAS, THE CITY HAS
8 IMPLEMENTED THE FOLLOWING MEASURES TO PROTECT
9 PUBLIC HEALTH AND SAFETY: THEY'VE NOTIFIED
10 EMPLOYEES AND CONTRACTORS AT THE LANDFILL OF THE
11 PRESENCE OF METHANE AND IDENTIFIED AREAS WHERE
12 THESE ELEVATED LEVELS WERE DETECTED. THEY'VE
13 INSTALLED NO SMOKING AND NO OPEN FLAME SIGNS AT
14 THE ENTRANCE AND AT AREAS WHERE HIGH METHANE
15 LEVELS HAVE BEEN DISCOVERED.

16 THEY INSTRUCTED EMPLOYEES TO AVOID
17 LOW LYING AREAS WHERE THE METHANE MAY ACCUMULATE
18 AND ENSURED PROPER VENTILATION OF ALL OF THE
19 LANDFILL STRUCTURES. IMPLEMENTED THE USE OF
SPARK

20 LATHE OR SPARK REDUCING EQUIPMENT FOR WORK DONE
AT

21 OR NEAR THE HIGH LEVEL AREAS AND STARTED
22 MONITORING MONTHLY FOR GAS IN AND UNDER ALL
23 ON-SITE STRUCTURES AND NEARBY TRAILER AND A
NEARBY

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24 DITCH.

25 THE OPERATOR HAS ALSO DESIGNED,

1 CONSTRUCTED, AND IS NOW OPERATING A GAS CONTROL
2 SYSTEM WHICH CONSISTS OF 22 EXTRACTION WELLS, A
3 BLOWER, AND A FLARE. THE SYSTEM WAS PUT ON-LINE
4 IN JANUARY OF '97 AND IS EXTRACTING LANDFILL GAS
5 AT A RATE OF A HUNDRED CUBIC FEET PER MINUTE. ON
6 JUNE 3, 1996, THE GAS CONTROL SYSTEM BECAME
7 OPERATIONAL.

8 THE CONCENTRATION -- ON JUNE 3,
9 1996, BEFORE THE GAS CONTROL SYSTEM BECAME
10 OPERATIONAL, THE CONCENTRATION OF GAS AT THE
11 MONITORING PROBES RANGED FROM 4.2 TO 68.1 PERCENT
12 METHANE BY VOLUME. ON MAY 7TH AND 8TH, LAST
13 THURSDAY AND FRIDAY, I THINK THAT IS, THE
14 MONITORING PROBES WERE AGAIN -- SAMPLES WERE AGAIN
15 TAKEN, AND THEY RANGE FROM 1.7 TO 49.6 PERCENT
16 METHANE BY VOLUME.

17 GAS CONCENTRATIONS IN THE PERIMETER
18 MONITORING PROBES HAVE DECREASED IN 10 OF THE 15
19 SAMPLES THAT WERE OVER THE LIMIT BEFORE THE
20 CONTROL SYSTEM WENT ON-LINE.

21 IN JULY OF '94, THE BOARD APPROVED
22 PROCEDURES FOR PROCESSING PERMITS WITH LONG-TERM
23 VIOLATIONS. THE LEA AND BOARD STAFF HAVE
24 DETERMINED THAT THIS FACILITY MEETS THE APPROVED
25 CRITERIA.

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1 THE LEA HAS ENTERED INTO A
2 STIPULATED NOTICE OF COMPLIANCE AND AGREEMENT WITH
3 THE OPERATOR, WHICH REQUIRES THE OPERATOR TO
4 REDUCE THE METHANE LEVELS BELOW THE REGULATORY
5 LIMIT BY DECEMBER 31, 1998. IT ALSO REQUIRES THE
6 OPERATOR TO INSTALL ADDITIONAL MONITORING PROBES
7 NEAR THE SCALE HOUSE AND THE OCCUPIED OFF-SITE
8 TRAILER AND TO MONITOR ALL PROBES ON A MONTHLY
9 BASIS.

10 THE OPERATOR IS DEMONSTRATING A GOOD
11 FAITH EFFORT BY MAKING PROGRESS TOWARD CORRECTING
12 THE VIOLATION AND TAKING STEPS TO PROTECT THE
13 PUBLIC HEALTH AND SAFETY AND THE ENVIRONMENT AND
14 THE NEARBY RESIDENT.

15 ISSUES HAVE BEEN RAISED REGARDING
16 THE PROPOSED VERTICAL EXPANSION OF THE FACILITY
17 MOSTLY BECAUSE OF THE WASTE DISCHARGE REQUIREMENTS
18 ISSUED BY REGIONAL WATER QUALITY CONTROL BOARD
19 CURRENTLY RESTRICT THE LANDFILL'S MAXIMUM HEIGHT
20 TO 325 FEET ABOVE MEAN SEA LEVEL. THE WATER
21 BOARD'S APPROVAL OF THE PROPOSED VERTICAL
22 EXPANSION IS CONTINGENT UPON THE OPERATOR'S
23 COMPLIANCE WITH CLEANUP AND ABATEMENT ORDER NO.
24 96-27.

25 ACCORDING TO REGIONAL WATER QUALITY

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1 CONTROL BOARD REPRESENTATIVE, THE CITY HAS MADE
2 SIGNIFICANT PROGRESS IN COMPLYING WITH THE CLEANUP
3 AND ABATEMENT ORDER; HOWEVER, THE PROCESS IS STILL
4 UNDER WAY.

5 PUBLIC RESOURCES CODE 44009(B)
6 STATES THAT THE BOARD SHALL NOT BE DEEMED TO
7 CONCUR OR OBJECT TO THE ISSUANCE OF A PERMIT IF
8 THE FACILITY IS NOT IN COMPLIANCE WITH AN
9 ENFORCEMENT ORDER ISSUED BY THE REGIONAL WATER
10 QUALITY CONTROL BOARD.

11 THE AGENCY -- OR THE AGENDA ITEM
12 THAT WAS WRITTEN FOR THIS PERMIT REVISION STATES
13 THAT THE FACILITY IS OUT OF COMPLIANCE WITH THE
14 CLEANUP AND ABATEMENT ORDER. HOWEVER, STAFF'S
15 MOST RECENT CONVERSATION WITH THE REGIONAL WATER
16 QUALITY CONTROL BOARD STAFF HAVE -- WE'VE
17 DISCOVERED THAT THE FACILITY IS IN COMPLIANCE WITH
18 THE CLEANUP AND ABATEMENT ORDER.

19 CONCURRENCE WITH THE ISSUANCE OF
20 THIS PERMIT WILL NOT PROVIDE THE OPERATOR
WITH

21 LEGAL AUTHORITY TO EXCEED LIMITS IMPOSED
UPON THE
22 FACILITY BY ANY OTHER APPLICABLE FEDERAL,
STATE,

23 OR LOCAL REQUIREMENTS. THE FACILITY IS

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OBLIGATED

24 TO COMPLY WITH THE MOST RESTRICTIVE OR

LIMITING

25 PERMIT, LICENSE, OR ORDER.

1 IF THE REGIONAL WATER QUALITY
2 CONTROL BOARD DOES NOT APPROVE THE VERTICAL
3 EXPANSION, THE OPERATOR WILL BE REQUIRED TO AMEND
4 THE LANDFILL'S CLOSURE PLAN AND SUBMIT AMENDED
5 COST ESTIMATES TO THE BOARD'S FINANCIAL ASSURANCES
6 SECTION. THE AMOUNT OF REQUIRED ANNUAL DEPOSIT
7 FOR CLOSURE AND POSTCLOSURE MAINTENANCE IS BASED
8 ON COST ESTIMATES SUBMITTED BY THE OPERATOR.

9 ANNUAL FUNDING REQUIREMENTS FUNCTION
10 INDEPENDENTLY FROM SOLID WASTE FACILITY PERMITS.
11 AND AT THIS TIME RICHARD CASTLE, NANCY JESTREBY,
12 AND GARTH ADAMS OF THE PERMITS BRANCH FINANCIAL
13 ASSURANCES SECTION WOULD LIKE TO GO INTO MORE
14 DETAIL ON THE FINANCIAL ASSURANCE MECHANISMS AND
15 FUNDING AND SPECIFICALLY HOW IT RELATES TO THE
16 SANTA MARIA LANDFILL.

17 MR. CASTLE: GOOD MORNING. MY NAME IS
18 RICHARD CASTLE FROM THE FINANCIAL ASSURANCES
19 SECTION. I WANTED TO LEAD YOU THROUGH A GENERAL
20 DESCRIPTION OF HOW THE FINANCIAL ASSURANCES WORK,
21 AND THEN NANCY WAS GOING TO GET INTO THE SPECIFICS
22 FOR SANTA MARIA.

23 ALL OPERATORS OF LANDFILLS ARE
24 REQUIRED TO DEMONSTRATE TO THE BOARD FINANCIAL
25 ASSURANCES FOR CLOSURE, FOR POSTCLOSURE

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1 MAINTENANCE, FOR OPERATING LIABILITY, AND IF
2 THEY -- AT THIS TIME IF THEY HAVE KNOWN CORRECTIVE
3 ACTIONS THAT THERE'S BEEN A PLAN ESTABLISHED FOR,
4 THEY HAVE TO GIVE US A FUNDING SOURCE FOR THE
5 CORRECTIVE ACTION.

6 FINANCIAL ASSURANCES FOR CLOSURE CAN
7 BE A IN SURETY BOND, A LETTER OF CREDIT, OR AN
8 INSURANCE POLICY, AND THOSE WOULD BE FULLY FUNDED.
9 THE TYPES OF DEMONSTRATIONS THAT WOULD BE BUILT UP
10 OVER THE LIFE OF THE FACILITY WOULD BE A TRUST
11 AGREEMENT OR AN ENTERPRISE FUND.

12 A TRUST FUND IS ON A FORM, VERY
13 SPECIFIC, VERY DETAILED. IT'S HELD BY A
14 THIRD-PARTY TRUSTEE. THE BOARD'S FORM FOR CLOSURE
15 AND POSTCLOSURE TRUST IS FORM 100 THAT'S HELD BY A
16 TRUSTEE, THAT'S EXAMINED BY A FEDERAL OR STATE
17 AGENCY. SO WE HAVE THE PROTECTION OF A THIRD
18 PARTY HOLDING THE FUNDS.

19 AN ENTERPRISE FUND IS VERY SIMILAR
20 TO THE TRUST FUND EXCEPT FOR WE DON'T HAVE THAT
21 FORM. IT'S A RESOLUTION PASSED BY THE LOCAL
22 ENTITY, AND WE HAVE TO APPROVE THE LANGUAGE THAT
23 THEY SET THEIR FUND UP WITH, AND IT'S ACTUALLY
24 HELD BY AN ELECTED PUBLIC OFFICIAL, SUCH AS
25 TREASURER OR AUDITOR/CONTROLLER ACTING AS -- IN A

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1 SIMILAR CAPACITY TO THE TRUSTEE.

2 FUNDING OF EITHER THE TRUST FUND OR
3 THE ENTERPRISE FUND IS DEFINED UNDER SECTION 18282
4 OF OUR REGULATIONS. A COUPLE YEARS AGO WE HAD
5 QUITE AN EXTENSIVE PROCESS OVER A NUMBER OF MONTHS
6 TO REDEFINE THAT FORMULA, BUT WE HAVE THE FORMULA
7 IN PLACE NOW THAT IS BASICALLY FOR THE LIFE OF THE
8 FACILITY. THE DEPOSITS ARE MADE ANNUALLY BASED ON
9 THE PERCENTAGE OF THE FACILITY THAT'S FILLED
10 DURING THE PAST YEAR.

11 FOR KNOWN CORRECTIVE ACTION, WHEN
12 THE STATE WENT THROUGH THE PROCESS OF BEING
13 APPROVED UNDER SUBTITLE D, WE ADDED SPECIFIC
14 LANGUAGE TO CLARIFY HOW ANY LANDFILL OPERATORS,
15 MUNICIPAL SOLID WASTE LANDFILL OPERATORS, WOULD
16 DEMONSTRATE THE FINANCIAL ASSURANCES FOR A
17 CORRECTIVE ACTION. THOSE ARE FOUND IN 17258.74.

18 AND THE DEPOSITS ARE SLIGHTLY
19 DIFFERENT THAN FOR A CLOSURE FUND. THEY'RE MADE
20 DURING THE FIRST HALF OF THE CORRECTIVE ACTION.
21 SO IF IT'S A TEN-YEAR CORRECTIVE ACTION, IT WOULD
22 BE DURING THE FIRST FIVE YEARS, AND IT'S FOR THE
23 COSTS THAT ARE GOING TO BE ENCOUNTERED DURING THE
24 SECOND HALF OF THE CORRECTIVE ACTION. SO THE
25 OPERATOR HAS TO FUND FOR THE FIRST HALF OUT OF

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1 THEIR OWN POCKET, THEIR EXPENSES, AND THEY HAVE TO
2 MAKE DEPOSITS TO COVER THE SECOND HALF. THAT'S
3 EXACTLY THE FORMULA THAT WAS DEVELOPED UNDER THE
4 SUBTITLE D PROGRAM. WE JUST TRANSFERRED IT
5 DIRECTLY INTO OUR REGS WHEN WE SOUGHT OUR APPROVAL
6 WITH U.S. EPA.

7 ANOTHER ISSUE THAT'S GOING TO COME
8 UP WHEN YOU ARE DISCUSSING HOW FUNDING IS
9 CALCULATED IS THE ANNIVERSARY DATE. THE OPERATOR,
10 WHENEVER THEY ESTABLISH AN ENTERPRISE FUND OR
11 THEIR TRUST FUND, THAT DATE, BE IT JANUARY,
12 FEBRUARY, SEPTEMBER 18TH, WHATEVER THE DATE IS, IS
13 THEIR ANNIVERSARY DATE, JUST AS YOUR WEDDING
14 ANNIVERSARY YEAR, ANYTHING LIKE THAT. IT'S
15 ONGOING. IT'S THE DATE THAT IT WAS ESTABLISHED.
16 IT'S USED ANNUALLY TO DETERMINE THE CALCULATION
17 FOR THEIR DEPOSIT.

18 THERE'S A 60-DAY WINDOW PRIOR TO THE
19 ANNIVERSARY DATE THAT WE EXPECT THE OPERATOR TO
20 COLLECT ALL THEIR CAPACITY DATA, MAKE THE
21 CALCULATION BASED ON THE FORMULA IN THE REGS, AND
22 HAVE THE DEPOSIT MADE ON OR BEFORE THEIR
23 ANNIVERSARY DATE.

24 BOARD ALLOWS THE BUILDUP OVER THE
25 ESTIMATED LIFE OF THE FACILITY BASED ON CAPACITY,

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1 AND DEPOSITS ARE REQUIRED TO BE MADE BY THE ENTITY
2 ON AN ANNUAL BASIS. THIS IS BASICALLY WHAT I JUST
3 TOLD YOU. ANNIVERSARY OF THE ESTABLISHMENT OF THE
4 FUND IS WHEN THEY HAVE TO BE TIMED.

5 ON THE ANNUAL ANNIVERSARY OF THE
6 ESTABLISHMENT OF THE CLOSURE FUND, THEY ARE
7 REQUIRED TO MAKE A MINIMUM DEPOSIT BASED ON THE
8 CAPACITY THEY FILLED. IF THEY WERE TO FILL 10
9 PERCENT OF THE LANDFILL DURING THE LAST 12-MONTH
10 PERIOD, THEN THEY'D HAVE TO MAKE A DEPOSIT OF 10
11 PERCENT OF THE REMAINING ESTIMATE THAT THEY NEED
12 TO BE FUNDING FOR.

13 I'M TRYING TO KEEP THIS KIND OF
14 BRIEF AND JUST GIVE YOU A GENERAL OVERVIEW. I
15 DON'T EXPECT ANYBODY TO BE ABLE TO STEP OUT HERE
16 AND CALCULATE SOMEBODY'S DEPOSIT. I WOULDN'T
HAVE
17 A JOB IF YOU COULD DO IT THAT WAY.

18 THE FORMULA -- THIS IS IN WORDS.
19 WHAT THE FORMULA IS YOU TAKE THE CAPACITY FILLED,
20 DIVIDE IT BY THE CAPACITY REMAINING, MULTIPLY
THAT
21 BY THE ESTIMATE REMAINING TO BE FUNDED. SO IF
YOU
22 HAD 10,000 TONS, WHICH IS THE 10-PERCENT EXAMPLE,

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23 OUT OF A HUNDRED THOUSAND TONS REMAINING CAPACITY
24 AND THEY HAD A MILLION DOLLARS REMAINING TO BE
25 FUNDED, THEY WOULD NEED TO MAKE A HUNDRED
THOUSAND

1 DOLLAR DEPOSIT. THAT'S DUE BY THE ANNIVERSARY
2 DATE EACH YEAR.

3 NOW, WHEN WE'RE TALKING ABOUT
4 CLOSURE FUNDS AND CORRECTIVE ACTION FUNDS, AGAIN,
5 REMEMBER THEY'RE DISTINCT, SEPARATE FUNDS. YOU
6 DON'T USE CLOSURE MONEY TO DO CORRECTIVE ACTION
7 WORK. SO WE HAVE ALL OPERATORS REQUIRED TO HAVE
8 FINANCIAL ASSURANCES TO CLOSE THEIR FACILITY, AND
9 MUNICIPAL WASTE LANDFILL OPERATORS AT THIS TIME
10 ARE REQUIRED FOR KNOWN CORRECTIVE ACTION UNDER
OUR

11 REGULATIONS TO FUND FOR CORRECTIVE ACTION ONCE
THE

12 PLAN HAS BEEN SELECTED FOR THE CORRECTIVE
ACTION

13 AND EVERYBODY IS SATISFIED WITH THAT PLAN, THEN
14 THE OPERATOR HAS A MAXIMUM OF A HUNDRED TWENTY
15 DAYS TO BEGIN FUNDING FOR THAT CORRECTIVE
ACTION

16 WORK.

17 THE ESTIMATE, WHEN IT'S A WATER
18 ISSUE, IS APPROVED -- THE PLAN IS APPROVED
THROUGH

19 THE REGIONAL WATER QUALITY CONTROL BOARD. THE
20 COST IS SPLIT BETWEEN THE FIRST AND SECOND

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HALVES

21 OF THE CORRECTIVE ACTION. FUNDING IS BASED ON
THE

22 SECOND HALF AND THE PAY-IN PERIODS FOR THE
FIRST

23 HALF.

24 THE FORMULA IS USING SOME
DIFFERENT

25 LETTERS THAN WHAT WE WOULD HAVE NORMALLY USED.

1 AGAIN, THIS IS BECAUSE IT WAS STRAIGHT FROM THE
2 U.S. EPA'S SUBTITLE D REQUIREMENTS. AND AS YOU
3 CAN SEE IN THIS EXAMPLE, IF YOU HAD A TEN-YEAR
4 CORRECTIVE ACTION PERIOD, YOU HAVE FIVE YEARS TO
5 FUND IT. AND IF IT WAS A \$100,000 CORRECTIVE
6 ACTION -- I'M JUST TRYING TO KEEP THE NUMBERS
7 SIMPLE FOR EVERYBODY TO SEE HERE -- YOUR INITIAL
8 DEPOSIT WOULD BE \$20,000 IN YEAR ONE. IN YEAR TWO
9 IT'S STILL GOING TO BE \$20,000, ASSUMING NO
10 INFLATION OR ANYTHING LIKE THAT, BUT ALL THOSE
11 ADJUSTMENTS WOULD BE MADE. THIS WAS JUST TO KEEP
12 THE EXAMPLE SIMPLE.

13 IN CONCLUSION, AGAIN, I WANT MAKE
14 SURE EVERYBODY UNDERSTANDS THAT CLOSURE FUNDS AND
15 CORRECTIVE ACTION FUNDS ARE SEPARATE AND DISTINCT
16 FUNDS. WE DON'T MIX THE MONEY. THEY CAN BOTH BE
17 AN ENTERPRISE FUND; THEY CAN BOTH BE A TRUST FUND,
18 BUT THEY'RE SEPARATE ACCOUNTS.

19 CLOSURE FUNDS ARE FUNDED OVER THE
20 LIFE OF THE FACILITY. AND KNOWN CORRECTIVE ACTION
21 FUNDS ARE FUNDED OVER THE FIRST HALF OF THE
22 CORRECTIVE ACTION PERIOD, AND THAT FUND IS
23 DEVELOPED TO PAY FOR THE SECOND HALF OF THE
24 CORRECTIVE ACTION.

25 NOW NANCY JESTREBY WILL BE ABLE TO

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1 EXPLAIN TO YOU THE SPECIFICS FOR SANTA MARIA AND
2 HOW THE FINANCIAL ASSURANCES RELATE FOR SANTA
3 MARIA.

4 MS. JESTREBY: GOOD MORNING. MY NAME IS
5 NANCY JESTREBY, FINANCIAL ASSURANCES SECTION.
6 PLEASE CONTINUE TO WATCH THE SLIDES AS I SPEAK
7 ABOUT THE CITY OF SANTA MARIA'S CLOSURE FUND.

8 THE CITY OF SANTA MARIA IS IN
9 COMPLIANCE WITH FINANCIAL ASSURANCE REQUIREMENTS
10 FOR CLOSURE AND POSTCLOSURE MAINTENANCE COSTS AND
11 OPERATING LIABILITY COVERAGE.

12 THE CLOSURE FUND WAS ESTABLISHED ON
13 SEPTEMBER 18, 1990. THE CURRENT CLOSURE FUND
14 BALANCE IS ABOUT \$6.9 MILLION. THE CURRENT
15 MINIMUM REQUIRED FUND BALANCE IS 6.8 MILLION.

16 WE RECENTLY LEARNED IN MAY OF 1997
17 THE CITY OF SANTA MARIA SUBMITTED A CORRECTIVE
18 ACTION PLAN TO THE REGIONAL WATER QUALITY CONTROL
19 BOARD TO ADDRESS KNOWN RELEASE OF CONTAMINANTS.
20 FINANCIAL ASSURANCES SECTION STAFF WILL ASSIST THE
21 CITY IN ESTABLISHING A FINANCIAL ASSURANCE
22 MECHANISM FOR CORRECTIVE ACTION COSTS ONCE THE
23 REGIONAL WATER QUALITY CONTROL BOARD IS SATISFIED
24 WITH THE CORRECTIVE ACTION PLAN.

25 THE NEXT SLIDE ILLUSTRATES THE

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1 FUNDING FORMULA THAT'S ALREADY BEEN DISCUSSED, AND
2 I HAVE BEEN ASKED TO ESTIMATE THE 1997 REQUIRED
3 DEPOSIT, WHICH IS DUE ON SEPTEMBER 18, 1997.

4 USING THE FUNDING FORMULA THAT WE
5 HAVE EXPLAINED TODAY AND BASED ON THE ESTIMATED
6 CAPACITY FILLED, THE REMAINING CAPACITY AND THE
7 REMAINING CLOSURE COST ESTIMATE, THE ESTIMATED
8 SEPTEMBER 1997 REQUIRED DEPOSIT IS \$900,950.
9 113,998 TONS IS THE SUM OF ACTUAL FILL FOR PART OF
10 '96 AND '97 AND ESTIMATED FILL FOR THE LAST
11 QUARTER OF '97.

12 THE ESTIMATED REMAINING CAPACITY IS
13 1,691,798 TONS, THE JULY 1ST, 1996, REMAINING
14 CAPACITY REFERENCED IN THE RDSI, LESS THE 113,998.
15 THAT GIVES YOU THE RATIO OF THE CAPACITY FILL TO
16 THE REMAINING CAPACITY. AND THEN THAT NUMBER IS
17 MULTIPLIED TIMES THE REMAINING COST ESTIMATE TO BE
18 FUNDED.

19 THE REMAINING COST ESTIMATE IS THE
20 1996 COST ESTIMATE ADJUSTED BY 2 PERCENT FOR
21 INFLATION LESS THE 1996 MINIMUM REQUIRED BALANCE,
22 WHICH IS ABOUT 6.8 MILLION. THAT'S HOW WE ARRIVE
23 AT THE ESTIMATED SEPTEMBER 1997 DEPOSIT OF
24 \$900,950.

25 MEMBER RELIS: QUESTION. WHAT IS THE

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1 ASSUMPTION GIVEN THE REMAINING CAPACITY? IS THAT
2 BASED ON WHAT NUMBER? THE 325 OR 340?

3 MS. JESTERBY: IT'S MY UNDERSTANDING THIS
4 REMAINING CAPACITY IS THE 340.

5 THIS CONCLUDES THE FINANCIAL
6 ASSURANCES PRESENTATION.

7 MR. SMITH: JUST LIKE ANY OTHER PERMITTED
8 LANDFILL IN CALIFORNIA, IF OPERATIONS ARE REQUIRED
9 TO MAKE OPERATORS OR OPERATIONS ARE REQUIRED TO
10 MAKE CHANGES BY ANOTHER REGULATORY AGENCY, AND
11 THOSE CHANGES AFFECT ESTIMATED CLOSURE OR
12 POSTCLOSURE MAINTENANCE COSTS, THE OPERATOR IS
13 REQUIRED TO SUBMIT AMENDED COST ESTIMATES AND
14 FINANCIAL DEMONSTRATIONS THAT REFLECT THOSE
15 CHANGES TO THE BOARD.

16 AFTER ANALYZING THE PROPOSED PERMIT
17 AND SUPPORTING DOCUMENTS, THE LEA AND BOARD STAFF
18 HAVE DETERMINED THAT THE LANDFILL MEETS ALL THE
19 REQUIREMENTS NECESSARY TO OBTAIN A REVISED SOLID
20 WASTE FACILITY PERMIT. THE LANDFILL IS CONSISTENT
21 WITH STATE MINIMUM STANDARDS; IT IS CONSISTENT
22 WITH THE CITY OF SANTA MARIA'S GENERAL PLAN LAND
23 USE ELEMENT; IT IS CONSISTENT WITH THE SANTA
24 BARBARA COUNTY'S SOLID WASTE MANAGEMENT PLAN; AND
25 CEQA REQUIREMENTS HAVE BEEN SATISFIED.

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1 STAFF HAVE DETERMINED THAT THE
2 PROPOSED PERMIT AND SUPPORTING DOCUMENTATION ARE
3 ACCEPTABLE FOR THE BOARD'S CONSIDERATION, AND
4 STAFF RECOMMEND THAT THE BOARD ADOPT PERMIT
5 DECISION NO. 97-177, CONCURRING WITH THE ISSUANCE
6 OF SOLID WASTE FACILITY PERMIT NO. 42-AA-0016.

7 MR. MIKE SCHMAELING IS HERE
8 REPRESENTING THE SANTA BARBARA COUNTY LEA. ALSO
9 PRESENT IS MR. BILL ARKFELD FROM THE REGIONAL
10 WATER QUALITY CONTROL BOARD CENTRAL COAST REGION,
11 AND JOHN ZHOA IS REPRESENTING THE SANTA MARIA
12 LANDFILL.

13 MR. SCHMAELING: BOARD MEMBERS, THIS HAS
14 BEEN A LONG FOUGHT STRUGGLE IN TRYING TO GET THIS
15 PERMIT ISSUED. AS YOU KNOW, IT'S A '78 PERMIT,
16 AND THERE'S BEEN MANY CHANGES THAT HAVE BEEN
17 PROPOSED. WE THOUGHT WE WERE READY TO GO IN '94,
18 AND THE DISCOVERY OF GAS SET US BACK TO TODAY
19 WHERE WE'RE READY TO BRING IT FORWARD.

20 AND THEN WHEN -- AFTER REVIEWING THE
21 CEQA DOCUMENTS, WHICH ALSO INCLUDED THE 340 AND
22 THE FINAL CLOSURE PLAN, WHICH ALSO ADDRESSED 340,
23 FINANCIAL MECHANISM ADDRESSING 340, AND THE WDR'S
24 ALSO HAD SOME LANGUAGE THAT I THINK CAUSED THE
25 OPERATOR TO THINK THAT THESE DOCUMENTS WOULD
BE

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1 CORRECT. I'M READING OFF PAGE 11 OF THE WDR'S
2 WHERE IT SAYS, "A VERTICAL EXPANSION ABOVE 325
3 FEET, BUT NOT TO EXCEED 340 FEET, MAY BE ALLOWED
4 BY THE EXECUTIVE OFFICER THAT THE DISCHARGE IS IN
5 COMPLIANCE WITH ALL REQUIREMENTS OF THIS ORDER."

6 SO WITH THAT IN MIND, WE WERE GOING
7 UNDER THE PRETENSE THAT THE CITY WOULD BE
8 COMPLYING WITH IT, AND THAT'S HOW WE WROTE THE
9 PERMIT.

10 WELL, IN TRYING TO -- ONCE A PERMIT
11 WAS WRITTEN AND SUBMITTED, WE HAD SOME PEOPLE THAT
12 WERE CONTESTING THE ISSUANCE OF THE PERMIT.
13 AND I'M SURE THEY'LL BE SPEAKING SHORTLY. BUT WE
14 CAME UP WITH SOME LANGUAGE THAT BASICALLY JUST
15 CHANGED THE FRONT PAGE, THE LITTLE PREAMBLE THERE.
16 AND IF I CAN PASS THAT OUT, I'VE UNDERLINED THE
17 SECTION.

18 AND THIS WAS AN ATTEMPT AT TRYING TO
19 MITIGATE THIS WHERE IT SPECIFICALLY TALKS ABOUT
20 THAT THEY HAVE TO COMPLY WITH ALL -- GRAB MY COPY
21 OF IT -- THIS PERMIT SHOULD BE NOT CONSTRUED AS
22 AUTHORIZING THE VIOLATION OR PREVENTION OF THE
23 OPERATOR FROM COMPLYING WITH ALL OTHER STATE,
24 FEDERAL, LOCAL REQUIREMENTS, INCLUDING THE
25 MITIGATION AND MONITORING MEASURES DEVELOPED IN

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1 ACCORDANCE WITH THE ENVIRONMENTAL DOCUMENTS.
2 NOTHING IN THIS PERMIT SHALL RELIEVE THE OPERATOR
3 AND/OR OWNER AND DESIGNEE FROM THE OBLIGATION OF
4 OBTAINING OR COMPLYING WITH OTHER PERMITS,
5 LICENSES, CLEARANCES, ENTITLEMENTS BY OTHER
6 REGULATORY AGENCIES.

7 WITH THIS IN MIND, WE WERE GOING TO
8 GO AHEAD OR WE'RE PROPOSING THAT THIS PERMIT BE
9 APPROVED. IF THE WASTE DISCHARGE -- OR IF THE
10 WATER BOARD DECIDED THAT THEY COULD NOT GO TO
11 325 -- OR I MEAN, EXCUSE ME, THEY COULD NOT GO TO
12 340, THEN AT THAT POINT I WOULD REQUIRE THAT A
13 PERIODIC SITE REVIEW BE COMPLETED. AND I'D DO A
14 FIVE-YEAR PERMIT REVIEW WHEREBY I WOULD ORDER THEM
15 TO REVISE THE DOCUMENTS TO REFLECT 325 FEET.

16 IS THERE ANY QUESTIONS?

17 CHAIRMAN FRAZEE: AND THAT WOULD INCLUDE
18 THE FINANCIAL ASSURANCES?

19 MR. SCHMAELING: YES, THAT'S CORRECT.

20 MEMBER JONES: I HAVE A QUESTION, MR.
21 CHAIRMAN. WHAT WOULD IT DO TO THE SLOPE CONTOURS
22 BECAUSE IN WHAT I READ, YOU KNOW, YOU NEED TO HAVE
23 5 PERCENT SLOPES, BUT IF YOU'RE BUILDING THAT
24 LANDFILL, ASSUMING THAT YOU ARE GOING TO BE IN
25 COMPLIANCE WITH THE WDR'S, AND YOU'RE BUILDING IT

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1 TO 340 FEET, YOU'RE NOT GOING TO BE AT A 5-PERCENT
2 SLOPE AT 325. YOU ARE NOT GOING TO SLIVER FILL
3 THE THING, ARE YOU? HOW ARE YOU FIGURING ON BEING
4 ABLE TO COMPLY WITH THAT?

5 MR. SCHMAELING: AS A REGULATOR, WE DON'T
6 NECESSARILY TELL THEM WHAT TO DO, BUT WE APPROVE
7 WHAT THEY PROPOSE TO DO IN ORDER TO MEET THOSE
8 REQUIREMENTS. I'M SURE THAT THERE WOULD BE SOME
9 HEAVY NEGOTIATIONS BETWEEN THE WATER BOARD AND THE
10 OPERATOR AS TO HOW THEY WANTED -- WHETHER THEY
11 WERE GOING TO STICK WITH THE 5-PERCENT SLOPE
12 REQUIREMENT OR IF THEY WERE GOING TO REQUIRE THEM
13 TO MODIFY THEIR DESIGN.

14 MEMBER JONES: I HAD A QUESTION OF STAFF
15 YESTERDAY. DO WE KNOW WHAT THE ELEVATION IS
16 TODAY?

17 MR. SMITH: THEIR ELEVATION -- THERE'S A
18 RANGE OF ELEVATIONS. IN SOME PLACES THEY'RE AT
19 280, OTHER PLACES 290, BUT THE HIGHEST ELEVATION
20 THEY'RE AT RIGHT NOW, AS I UNDERSTAND IT, IS 300.
21 AND SO THOSE ELEVATIONS COORDINATE WITH THE
22 SPECIFIC AMOUNT OF ACREAGE FOR EACH HEIGHT, AND
23 I'M NOT SURE WHAT THAT ACREAGE IS.

24 MEMBER JONES: SO WE'RE TALKING AT A PEAK
25 SOMEWHERE, AND IT'S GOING DOWN THIS WAY

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1 (INDICATING). OKAY. BECAUSE, YOU KNOW, I'M
2 LOOKING AT THE WDR'S, AND I UNDERSTAND 1220. I
3 UNDERSTAND WHAT OUR -- WHAT OUR OBLIGATIONS ARE AS
4 FAR AS THE WATER ISSUES AND THE SOLID WASTE
5 ISSUES. BUT I DON'T UNDERSTAND SPECIFICALLY.
6 THERE'S BEEN TWO SETS OF CLEANUP AND ABATEMENTS,
7 TWO OR THREE SETS OF CLEANUP AND ABATEMENTS ON
8 THIS FACILITY. AND I'M ASSUMING THAT EVERY TIME
9 THAT THERE'S A CLEANUP AND ABATEMENT, IT IS
10 BECAUSE THE CLEANUP AND ABATEMENT ORDER THAT HAD
11 BEEN ISSUED BEFORE, THAT SCHEDULE HADN'T BEEN MET.
12 IS THAT RELATIVELY ACCURATE?

13 MR. SCHMAELING: THERE'S A GENTLEMAN HERE
14 FROM THE WATER BOARD THAT WOULD BE BEST ABLE TO
15 ANSWER THEIR COMPLIANCE HISTORY.

16 MR. ARKFELD: GOOD MORNING. MY NAME IS
17 BILL ARKFELD. I'M AN ASSOCIATE ENGINEER WITH THE
18 REGIONAL WATER QUALITY CONTROL BOARD. A CLEANUP
19 OR ABATEMENT ORDER IS ISSUED IN RESPONSE TO
20 SIGNIFICANT VIOLATIONS USUALLY WHEN THEY BECOME
21 CHRONIC IN NATURE OR PERHAPS A LARGE NUMBER OF
22 MINOR VIOLATIONS OR A FEW MAJOR VIOLATIONS,
THAT
23 SORT OF THING.

24 MEMBER JONES: IN THE HISTORY OF THIS
25 SITE, THOUGH, I SEE CLEANUP AND ABATEMENT

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ORDERS

1 THAT HAVE BEEN GOING ON FOR A CONSIDERABLE
PERIOD
2 OF TIME. AND I'M WONDERING, EVERY TIME A NEW
ONE
3 IS ISSUED, OKAY, YOU HAD ONE IN, I DON'T KNOW,
'89
4 OR '90, ANOTHER ONE IN '93, ANOTHER ONE IN
'95, IS
5 IT BECAUSE THE SCHEDULE ISN'T BEING MET OR
THAT
6 NEW ITEMS ARE COMING FORWARD? BECAUSE IN
READING
7 THEM, THEY SOUND LIKE IT IS THE SAME
VIOLATION,
8 JUST NOT A COMPLIANCE BEING ADHERED TO OR
9 SOMETHING. I JUST NEED SOME CLARIFICATION ON
10 THAT.
11 MR. ARKFELD: OKAY. IN THIS
SITUATION
12 THE CLEANUP OR ABATEMENT ORDER IS ISSUED TO
OBTAIN
13 COMPLIANCE WITH THE EXISTING WASTE DISCHARGE
14 REQUIREMENTS. TYPICALLY THAT MEANS COMPLYING
WITH
15 SPECIFIC DEADLINES PERHAPS THAT HAVE BEEN
MISSED.

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16 WE ALSO HAVE A RELEASE TO GROUNDWATER ONGOING
AT

17 THIS SITE, AND SO THAT'S ALSO A SIGNIFICANT
18 CONSIDERATION.

19 IF WE WERE TO TAKE ENFORCEMENT
TO GO

20 BEYOND WHAT THE WASTE DISCHARGE REQUIREMENTS
AND

21 CREATE NEW REQUIREMENTS, WE WOULD ISSUE A
22 DIFFERENT TYPE OF ENFORCEMENT CALLED A CEASE
AND

23 DESIST ORDER.

24 MEMBER JONES: THAT'S WHAT I WAS

HOPING

25 WAS GOING TO COME OUT OF THIS BECAUSE OUR PRC
CODE

1 IS VERY CLEAR THAT WE CAN -- YOU KNOW, THAT WE
2 NEED TO HAVE -- WE DON'T NEED TO DEAL WITH THE
3 WATER ISSUES, BUT WE DON'T NEED TO BE IN CONFLICT
4 WITH THE WDR'S. I HAVE CONCERN BECAUSE OF THE MAY
5 2D LETTER THAT WAS WRITTEN FROM THE WATER BOARD TO
6 OUR STAFF, SAYING THAT IF WE ISSUED THIS PERMIT,
7 WE WOULD BE IN CONFLICT. AND I UNDERSTAND THAT
8 THAT'S BEEN -- THE WORDS HAVE CHANGED OR THEY'RE
9 NOT EXACTLY THE SAME OR WHATEVER, BUT I DON'T
10 UNDERSTAND.

11 I MEAN I COME FROM A PRIVATE SECTOR.
12 AND AS EVERYBODY KNOWS, I'VE HAD A LITTLE BIT OF
13 HEARTBURN ABOUT THE FACT THAT THERE ARE ENTITIES
14 THAT ARE TREATED VERY DIFFERENTLY FROM TIME TO
15 TIME IN HOW ENFORCEMENT IS CARRIED OUT. AND I'M
16 NOT VERY SURE THAT WHEN I GO THROUGH THESE FILES
17 OF MATERIAL ON THIS FACILITY, I'VE LIVED IN PLACES
18 SIMILAR TO THIS AND I'VE TRIED TO DO BUSINESS IN
19 PLACES SIMILAR TO THIS, AND I DON'T -- I DIDN'T
20 APPRECIATE IT VERY MUCH.

21 AND I'M WONDERING WHY WE ARE
22 INSISTING ON 340 FEET ELEVATION IF WE'RE NOT AT
23 325, IF THAT WOULD GIVE US THE TIME TO BE ABLE
24 TO

25 LOOK AT THE COMPLIANCE IF -- COMPLIANCE IS
26 OBVIOUSLY AN ISSUE WITH A LANDFILL THAT IS OVER

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A

1 RECHARGE AREA OF AN AQUIFER IN AN AREA THAT IS
2 BUYING WATER FROM THE STATE AT AN UNGODLY AMOUNT
3 BECAUSE IT HAS A WATER ISSUE. I HAVE PROBLEMS
4 UNDERSTANDING THAT LOGIC AND HOW, SITTING AS A
5 BOARD MEMBER OF THE INTEGRATED WASTE MANAGEMENT
6 BOARD, HOW I CAN SAY I'M GOING TO, YOU KNOW,
7 CONCUR WITH MY FIVE OTHER BOARD MEMBERS IN
ISSUING

8 A PERMIT BECAUSE THIS MEETS THE STATE MINIMUM
9 STANDARDS. ONLY -- THAT CREATES A PROBLEM FOR
ME.

10 I UNDERSTAND HOW WE CAN MITIGATE
11 PROBLEMS, AND I'M NOT TRYING TO BE UNREASONABLE
12 ABOUT THIS. BUT I'M HAVING A PROBLEM WITH A
13 VERTICAL EXPANSION WHERE WE'RE NOT TALKING ABOUT
14 ANY LATERAL EXPANSION THAT WOULD ACTUALLY LINE
THE

15 SITE. IT WOULD COST MORE MONEY, BUT IT WOULD
LINE

16 THE SITE AND IT WOULD AT LEAST HAVE SOME
17 ENVIRONMENTAL INTEGRITY TO IT. BUT INSTEAD WE'RE
18 JUST GOING TO KEEP GOING HIGHER WITH THE GARBAGE,
19 AND WE'LL DEAL WITH THE MATERIALS THAT WE'RE
GOING

20 TO USE FOR COVER, AND WE'RE GONG TO DEAL WITH

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21 THOSE THINGS, AND WE'LL SEE HOW BAD THE IMPACTS

22 ARE ON THE WATER.

23 SO I'M WONDERING WHY A DECISION OR

24 DETERMINATION THAT WOULD HAVE COMPLIED MORE

25 READILY WITH THE WDR'S THAT SAID YOU CAN'T GO
OVER

1 325 UNLESS YOU COMPLY. WOULD THERE BE AN
2 INCLINATION TO, YOU KNOW, LOOK AT THIS FACILITY
3 WITH A NOT TO EXCEED OF 325 AND THEN COME BACK IN
4 FIVE YEARS UNDER A NORMAL PERMIT REVIEW AND SEE
5 WHERE WE ARE IN COMPLIANCE?

6 I KNOW WE CAN'T NEGOTIATE TERMS AND
7 CONDITIONS OF A PERMIT SITTING HERE. WE EITHER
8 HAVE TO CONCUR OR NOT CONCUR. AND I UNDERSTAND
9 THAT, BUT I DON'T UNDERSTAND A LOT OF THE
10 PARAMETERS THAT ARE GOING ON WITH THIS PERMIT.
11 AND I DON'T UNDERSTAND WHY WE WOULD LET A WATER
12 ISSUE AS WELL AS A GAS ISSUE JUST GO WITH OUR
13 BLESSING.

14 I HAVE, YOU KNOW, I'M NOT -- I THINK
15 FIVE YEARS TO TRY TO CLEAN SOMETHING UP IS PRETTY
16 REASONABLE RATHER THAN JUST SAYING GO TO 340 AND
17 THAT MIGHT BE TO 2018, YOU KNOW. I DON'T KNOW. I
18 JUST NEED A LITTLE HELP HERE FROM SOME PEOPLE TO
19 FIGURE OUT EXACTLY WHAT'S GOING ON BECAUSE THIS
20 DOESN'T MAKE A LOT OF SENSE TO ME.

21 MEMBER RELIS: MR. CHAIR, TABLING THAT
22 THOUGHT FOR A MOMENT, I JUST WANT TO ASK MR.
23 SCHMAELING A COUPLE OF QUESTIONS.

24 NOW, MY RECOLLECTION OF THE SANTA
25 MARIA LANDFILL, HAVING -- AS A RESIDENT OF THE

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1 COUNTY, I THOUGHT -- WASN'T THIS LANDFILL
2 SCHEDULED TO CLOSE, AND THEN I'VE LOST TRACK OF,
3 WHAT, AROUND '94 THEN THE DECISION WAS MADE TO
4 EXPAND IT OR SEEK AN EXPANSION? AND AT THAT TIME
5 YOU MADE A STATEMENT THAT GAS WAS DISCOVERED AT
6 THAT POINT. HAD IT BEEN LOOKED FOR PRIOR?

7 MR. SCHMAELING: YES, IT HAD, BUT IT
8 DIDN'T HAVE THE DEEP SUBSURFACE PROBES THAT THEY
9 CURRENTLY. I HAVE PICTURES OF THE PROBES IF
10 YOU'RE INTERESTED, BUT THEY INSTALLED BENTONITE
11 ENCASED SUBSURFACE PROBES. THEY'RE PRETTY MUCH
12 STATE OF THE ART.

13 MEMBER RELIS: THOSE ARE, WHAT, AT ABOUT
14 62 FEET, I BELIEVE.

15 MR. SCHMAELING: NO. WE'VE GOT THEM AT
16 10 FEET AND 25 FEET, AND THEY'RE SET EVERY -- I
17 FORGET WHAT THE REQUIREMENT IS, BUT THEY'RE SET AT
18 THE PROPER DISTANCE FROM EACH OTHER THROUGHOUT THE
19 ENTIRE LENGTH OF THE LANDFILL, INCLUDING THE
20 CLOSED INACTIVE AREA. THERE'S PROBABLY 25, 30
21 WELLS RUNNING THE LENGTH OF THAT PARAMETER.

22 MEMBER RELIS: BUT PRIOR TO '94, THE
23 WELLS HAD NOT BEEN DONE WITH THAT METHOD?

24 MR. SCHMAELING: NOT WITH THAT METHOD.
25 WE HAD BEEN TESTING IT WITH BAR HOLE PUNCHES, AND

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1 I'M GOING TO CALL THEM RINKY-DINK -- I DON'T KNOW
2 IF THAT'S TRANSCRIBABLE -- JUST A SLOT OF PVC PIPE
3 STUCK IN THE HOLE OR STUCK IN A HOLE. THESE ARE
4 THE TYPE OF WELLS THAT I THINK, YOU KNOW,
5 LANDFILLS SHOULD BE DESIGNED WITH.

6 MEMBER RELIS: AND AT THAT POINT YOU
7 REALIZED THERE WERE FAIRLY, I WOULD CHARACTERIZE,
8 ALARMINGLY HIGH LEVELS OF GAS.

9 MR. SCHMAELING: SUBSTANTIAL LEVELS, YES.
10 IF YOU LOOK AT THE PICTURES, THE GRASS IS NOT
11 AFFECTED. I MEAN WE'VE GOT GREEN GRASS GROWING
12 RIGHT NEAR THE ROAD WHERE THE WELLS ARE. YOU ARE
13 NOT SEEING ANY YELLOWING OF VEGETATION OR ANYTHING
14 LIKE THAT. SO IT WAS -- IT DID TAKE ME BY
15 SURPRISE THAT WE HAD THAT HIGH A LEVELS. BUT THE
16 WELLS, UNFORTUNATELY, THEY BROUGHT THE TRASH RIGHT
17 UP TO THE ROAD, AND THEN THE ROAD ON THE OTHER
18 SIDE THE OF ROAD PLUS 5 FEET IS BOUNDARY OF THE
19 FACILITY. AND THEN ON THE OTHER SIDE OF ANOTHER
20 ROAD IS ALL FARMLAND, AND NONE OF THE FARMLAND
21 SEEMS TO HAVE BEEN IMPACTED BY GASES EITHER. I
22 MEAN I DO WATCH FOR SIGNS OF METHANE IMPACTS ON
23 VEGETATION.

24 MEMBER RELIS: SO YOU'RE LOOKING FOR IT
25 ON THE SURFACE. IT COULD, OF COURSE, BE GOING

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1 HORIZONTAL WITH THE CONSEQUENCES OF THAT. OKAY.

2 THAT'S ALL FOR NOW.

3 CHAIRMAN FRAZEE: OKAY.

4 MR. DIER: MR. CHAIRMAN, IF I MAY, I'D
5 LIKE TO ADDRESS THE TABLED ISSUE, BRING IT BACK
6 OFF THE TABLE. RESPONDING TO MR. JONES' COMMENT,
7 ALMOST A QUESTION, A PLEADING TO FIND A WAY HERE,
8 SPEAKING FOR MYSELF, I'M NOT SPEAKING FOR THE LEA,
9 WE HAVE NOT INSISTED, YOU KNOW, THAT THE APPLICANT
10 GO TOWARD 340 FEET. WE'VE -- WE EVALUATE THE
11 PACKAGE THAT WE RECEIVE FROM THE LOCAL ENFORCEMENT
12 AGENCY.

13 WE OPERATE, AND I HOPE THIS DOESN'T
14 SOUND TOO SIMPLISTIC, BUT WE OPERATE ON A PREMISE
15 THAT AN APPLICANT HAS A RIGHT TO A PERMIT IF THEY
16 HAVE SATISFIED ALL OF THE STATE, FEDERAL, OR LOCAL
17 REQUIREMENTS FOR THAT PERMIT.

18 IT'S NOT FOR US TO JUDGE ARBITRARILY
19 PERHAPS WHETHER THEY SHOULD ONLY BE ALLOWED
20 SOMETHING ELSE IF THEY'VE SATISFIED THE
21 REQUIREMENTS FOR WHATEVER THE PROJECT IS THAT
22 THEY'RE SEEKING A PERMIT FOR, THEN THAT'S A
23 PART -- THAT'S WHAT WE'RE INCLUDING IN OUR
24 ANALYSIS AND RECOMMENDATION TO YOU. AND AS TERRY
25 INDICATED, FROM OUR PERSPECTIVE, THEY'VE SATISFIED

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1 ALL OF THE REQUIREMENTS OF THIS BOARD FOR GOING TO
2 340 FEET.

3 WE'RE VERY AWARE OF THE CONCERN
4 YOU'RE EXPRESSING. IN FACT, WE SEARCHED THE
5 STATUTES AND REGS TO SEE IF THERE MIGHT BE A
6 REASON WHY IT SHOULD BE CAPPED AT 325 AND WE COULD
7 NOT FIND ONE. THAT'S JUST THE STAFF'S PERCEPTION
8 AND RECOMMENDATION. YOU KNOW, THE BOARD CERTAINLY
9 HAS THE AUTHORITY TO MAKE THEIR OWN DECISION.
10 FROM A STAFF PERSPECTIVE, WE DID NOT SEE ANY BASIS
11 TO CONSIDER ANYTHING LESS THAN 340 FEET. I HOPE
12 THAT'S RESPONSIVE.

13 MEMBER JONES: IT'S RESPONSIVE. MY
14 QUESTION, YOU KNOW, I'M READING EXISTING DOCUMENTS
15 FROM THE WATER BOARD, FROM THE CITY, FROM THE
16 OPERATING PLAN THAT HAD -- THEY CAME UP WITH THE
17 NUMBER 325 FEET AND THEN 340 FEET. SO I MEAN THE
18 NUMBER ISN'T MY NUMBER. IT'S THEIR NUMBER. AND
19 I'M WONDERING WHY, WHEN THE WASTE DISCHARGE
20 REQUIREMENTS CLEARLY SAY YOU CANNOT EXPAND OVER
21 325 FEET UNLESS YOU'VE DONE ALL THESE THINGS, WHY
22 WE WOULD ISSUE A PERMIT THAT EXCEEDS THAT 325
23 FEET.

24 IT JUST DOESN'T MAKE ANY SENSE TO
25 ME. YOU KNOW, AND IT ALSO PUTS, I THINK, A LOT

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1 MORE EMPHASIS ON THE FACT THAT, YOU KNOW,
2 COMPLIANCE SCHEDULES LIKE, AND I HAVE BEEN THE
3 RECIPIENT OF NEGOTIATING COMPLIANCE SCHEDULES THAT
4 MADE SENSE, AND YOU -- THEY'RE GOOD MAPS, GOOD
5 BLUEPRINTS TO ATTAIN MITIGATION.

6 BUT WHEN WE HAVE A SERIES OF -- WHEN
7 WE HAVE A SERIES OF CAO'S THAT ARE CONTINUALLY
8 REVISED OVER THE SAME ISSUES, I UNDERSTAND THAT'S
9 A WATER BOARD ISSUE, BUT I DON'T UNDERSTAND WHY WE
10 WOULD GIVE A PERMIT THAT EXCEEDS THE CONDITION IN
11 THE WDR, THAT THEY CANNOT GO PAST 325 FEET UNLESS
12 THEY ARE IN COMPLIANCE.

13 AND IT WOULD -- IF THE NUMBERS ARE
14 RIGHT, IF THEY'RE AT 290 TO 230 FEET, AND I DON'T
15 KNOW WHAT THEIR EXPECTED FILL RATE IS, BUT I'M
16 ASSUMING THAT IF THIS PERMIT AT 340 IS GOING TO
17 GET THEM TO 2018, THEN IT IS REASONABLE TO ASSUME
18 THAT OVER THE NEXT FIVE-YEAR PERIOD THAT THIS
19 PERMIT WOULD BE VALID FOR THROUGH THE REVISION,
20 YOU KNOW, I MEAN AS FAR AS BEING A REVISED PERMIT,
21 I DON'T UNDERSTAND WHAT THE HARM IS. I DON'T
22 UNDERSTAND WHY WE CAN'T LOOK AT THIS THING IN FIVE
23 YEARS AND SEE IF, IN FACT, THEY ARE COMPLYING WITH
24 ALL OF THE STANDARDS BECAUSE WE DIDN'T HAVE THIS
25 MANY -- THE WATER BOARD DIDN'T CONTINUALLY REISSUE

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1 THESE THINGS IF THERE WASN'T A PROBLEM.

2 AND THE LEA, I THINK YOU ARE DOING A
3 GOOD JOB. I THINK -- I DON'T HAVE A PROBLEM WITH
4 THE ENFORCEMENT AND KEEPING ON TOP OF THIS THING.
5 I JUST DON'T UNDERSTAND WHY WE WOULD GO TO 340 AND
6 TAKE THE PRESSURE AND THE HEAT OFF OF SOMETHING
7 THAT OBVIOUSLY HAS NOT BEEN ON THE FRONT BURNER IN
8 THIS CITY FOR A LONG, LONG TIME. IT JUST DOESN'T
9 MAKE ANY SENSE. IT WOULD NOT HAPPEN IF IT WAS A
10 PRIVATE HAULER. WE WOULD BE HAMMERED CONTINUALLY,
11 AND OUR WHOLE PROCESS HERE IS SUPPOSED TO BE EQUAL
12 TREATMENT. SO THAT'S WHY I'M ASKING IF, YOU
13 KNOW...

14 CHAIRMAN FRAZEE: OKAY. GARTH, DID YOU
15 HAVE ANYTHING?

16 MR. ADAMS: I WAS JUST IN A SUPPORT MODE.

17 MEMBER RELIS: ONE MORE COMMENT WHILE
18 I'VE GOT MR. SCHMAELING HERE. JUST TO FOLLOW UP
19 ON AN EARLIER COMMENT ON GAS, I HAVE A MEMORANDUM
20 FROM YOU TO PEGGY LANGE OF THE COUNTY, I GUESS,
21 DATED NOVEMBER 11, '91, IN WHICH YOU'RE DISCUSSING
22 THE STATUS OF THE SANTA MARIA LANDFILL.

23 AND IN ONE OF YOUR COMMENTS, YOU
24 STATE THAT THE AIR SWAT DATED JULY '88 NOTED
25 POSSIBLE HAZARDS ASSOCIATED WITH THE LANDFILL

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1 DECOMPOSITION GAS. AND THEN YOU REFER TO SECTION
2 REQUIRING OWNER TO MONITOR AND TAKE NECESSARY
3 ACTIONS TO CONTROL SUCH GASES. THE STATUS ON THIS
4 IS THAT THE CITY DOES NOT FEEL THERE'S A PROBLEM,
5 BUT HAS NOT YET SUBMITTED ANY PROOF WHICH
6 CONTRADICTS THE 1988 AIR SWAT.

7 SO IN MY EARLIER QUESTION I HAD
8 RAISED, YOU KNOW, IN '94 THERE WAS NO DETECTED GAS
9 PROBLEM. YOU WERE OBVIOUSLY ALERTED AT THAT POINT
10 OR HAD REASON TO SUSPECT THERE WAS A GAS PROBLEM.
11 COULD YOU SQUARE THIS WITH YOUR EARLIER STATEMENT?

12 MR. SCHMAELING: SURE. THE GAS SWAT HAD
13 NOTED SOME CONCERN OF GASES BACK IN '91, AND WE
14 INSTITUTED AT THAT TIME A MONITORING PROGRAM
15 WHEREBY WE WERE TAKING MONITORS OUT AND DOING BAR
16 HOLE PUNCHES AND CHECKING STRUCTURES ON THE SITE
17 TO BE SURE THAT WE DIDN'T HAVE A PROBLEM.

18 MEMBER RELIS: OKAY. SO THAT INITIATED
19 THE SYSTEM THAT DIDN'T GET --

20 MR. SCHMAELING: DIDN'T QUITE.

21 MEMBER RELIS: -- DO IT.

22 MR. SCHMAELING: I FEEL CONFIDENT THAT IN
23 THAT THE SYSTEM WE WERE USING WAS DETECTING
24 EXPLOSIVE GAS LEVELS, AND SO WE WERE LOOKING AT
25 THE HEALTH AND SAFETY OF THE EMPLOYEES AT THAT

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1 POINT.

2 I DID HAVE ONE OTHER LITTLE SECTION
3 THAT'S NOT IN ONE OF THE PERMITS THAT YOU'VE READ.
4 WE'VE DONE A LOT OF NEGOTIATING IN TRYING TO GET
5 THIS AS TO A CONSENT ITEM. AND I THINK THAT YOUR
6 LEGAL STAFF MIGHT HAVE HAD SOME PROBLEMS WITH THIS
7 LANGUAGE. BUT IT WAS A CONDITION O WHERE I STATED
8 THE HEIGHT ELEVATION SHALL NOT EXCEED 325 FEET
9 UNTIL THE CITY OF SANTA MARIA DEMONSTRATES TO THE
10 SATISFACTION OF THE CENTRAL COAST REGIONAL WATER
11 QUALITY CONTROL BOARD EXECUTIVE OFFICER FULL
12 COMPLIANCE WITH THE WASTE DISCHARGE REQUIREMENT
13 ORDER 94-63, SPECIFICATION B-42, AND THE CLEANUP
14 OR ABATEMENT ORDER OF 96-27. IF THE CITY
15 DEMONSTRATES TO THE SATISFACTION OF THE EXECUTIVE
16 OFFICER FULL COMPLIANCE, THEN THE MAXIMUM
17 ELEVATION OF 340 FEET WILL BE PERMITTED.

18 NOT TOO MANY PEOPLE LIKED THAT
19 LANGUAGE, BUT I LIKED IT MYSELF. AND I REALIZE
20 I'M PUTTING IN A CONDITION FROM A WATER BOARD.
21 THAT'S ALMOST TAKEN VERBATIM FROM THE CLEANUP AND
22 ABATEMENT ORDER AND PUTTING IT INTO A SOLID WASTE
23 FACILITY PERMIT. MIND YOU, I'VE BEEN AN ENVIRON-
24 MENTAL HEALTH OFFICER FOR MANY YEARS, AND WE DID
25 LOOK AT WATER ISSUES. AND I STILL FEEL THAT, YOU

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1 KNOW, MY OVERALL JOB SCOPE IS THE HEALTH AND
2 SAFETY OF THE CITIZENS.

3 SO I FULLY UNDERSTAND MR. JONES'
4 CONCERNS; BUT AS MR. DIER STATED, WE HAVE CERTAIN
5 PARAMETERS THAT WE HAVE TO WORK IN, AND I HAD
6 CERTAIN DOCUMENTS ISSUED TO ME THAT PRETTY MUCH
7 LIMITED WHERE I COULD GO. SO WE'RE LOOKING TO
THE
8 BOARD FOR HELP IN SETTling THIS ISSUE.

9 CHAIRMAN FRAZEE: OKAY.

10 MS. TOBIAS: MR. FRAZEE, MAY I JUST SAY
11 THAT I WILL SAY THAT LEGAL PROBABLY WOULD NOT
12 SUPPORT THAT LANGUAGE FOR THE RECORD.

13 BOARD MEMBER CHESBRO: THERE'S REFERENCE
14 IN THE STAFF REPORT TO ONCE THE GAS COLLECTION
15 EQUIPMENT WAS INSTALLED, THAT THERE WAS A
16 BEGINNING OF -- THE GAS LEVELS BEGAN TO DROP. IS
17 THERE ANY ABILITY TO COMPARE THAT TO OTHER
18 SITUATIONS? I MEAN IS THE EQUIPMENT CONSIDERED
19 WORKING? IS THE RATE OF DECLINE IN THE GAS LEVEL
20 SUCH -- THAT THERE'S NO ATTEMPT TO REACH ANY
21 CONCLUSION FROM THAT. IT'S JUST SORT OF THROWN
22 OUT THERE AS A STATEMENT. I'M JUST -- I'M
LOOKING

23 FOR SOMETHING TO COMPARE IT TO AS TO WHETHER OR
24 NOT THERE'S AN EXPECTATION THAT THE GAS SYSTEM

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IS,

25 IN FACT, BEGINNING TO FUNCTION ADEQUATELY.

1 MR. SCHMAELING: CHAIRMAN CHESBRO, I DID
2 DO A FACILITY INSPECTION THERE FRIDAY, AND A
3 COUPLE OF THE WELLS WERE -- THAT WERE AT 60
4 PERCENT HAVE DROPPED DOWN, ONE OF THEM EVEN TO
5 BELOW THE 5 PERCENT LEVEL, AND THE OTHERS HAVE
6 DROPPED DOWN SIGNIFICANTLY. BUT THERE STILL IS
7 SOME WELLS THAT ARE ABOVE THE ALLOWABLE LIMIT AND,
8 THEREFORE, I HAVE ISSUED A STIPULATED ORDER
9 REQUIRING THAT PHASE II BE IMPLEMENTED.

10 BOARD MEMBER CHESBRO: DOES OUR STAFF
11 HAVE ANY RESPONSE IN TERMS OF COMPARING IT?

12 MR. SMITH: WE HAVE A COUPLE OF SAMPLES
13 THAT HAVE BEEN TAKEN, AND THAT'S WHY I SAID IN MY
14 PRESENTATION THAT OF THE 15 HITS THAT WERE ON THE
15 ORIGINAL READING THAT WERE OVER THE LIMIT, 10 OF
16 HAVE THOSE HAVE WENT DOWN SINCE THE SYSTEM CAME
17 ON-LINE IN JANUARY.

18 BOARD MEMBER CHESBRO: DO WE HAVE ANY
19 BASIS FOR COMPARING THAT TO A TYPICAL GAS
20 INSTALLATION IN TERMS OF TRYING TO DETERMINE
21 WHETHER THAT'S --

22 MR. SMITH: NO, WE DON'T. WE HAVE TWO
23 SETS OF DATA. WE HAVE ONE -- WE HAVE SNAPSHOTS.
24 WE HAVE JUNE OF '96 WHERE -- BEFORE THE SYSTEM WAS
25 INSTALLED, AND WE HAVE LAST THURSDAY AND FRIDAY

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1 WHERE THEY'VE TAKEN SAMPLES.

2 MS. RICE: YOU WERE ASKING, WESLEY, I
3 THINK ABOUT WHETHER COMPARISON TO OTHER
4 FACILITIES, WHETHER THIS IS DEEMED TO BE EFFECTIVE
5 FOR A SYSTEM OF THIS TYPE.

6 BOARD MEMBER CHESBRO: IS IT TYPICAL THAT
7 IT'S A GRADUAL DECLINE IN GAS PRODUCTION.

8 MS. RICE: I DON'T KNOW IF WE HAVE ANY
9 INFORMATION ON COMPARING.

10 MR. DIER: I DON'T THINK WE COULD MAKE
11 ANY COMPARISON TO ANY OTHER SYSTEMS, BUT I COULD
12 SAY IT'S TYPICAL OF THE START-UP OF A SYSTEM WHERE
13 OVER A PROTRACTED PERIOD OF TIME YOU'RE TUNING IT.
14 YOU'RE TUNING THE SYSTEM WITH REGARD TO HOW MUCH
15 YOU EXTRACT AND THE EFFECT THAT THAT HAS ON
16 ADJACENT WELLS AND WHETHER ADDITIONAL IMPROVEMENTS
17 OR CHANGES TO THE SYSTEM. IT CAN TAKE MONTHS OR
18 SOMETIMES OVER YEARS TO ACTUALLY GET THE SYSTEM
19 TUNED.

20 BOARD MEMBER CHESBRO: THANK YOU.

21 CHAIRMAN FRAZEE: OKAY. LET'S HEAR FROM
22 JOHN CUPPS REPRESENTING SANTA MARIA TRANSFER
23 STATION.

24 MR. CUPPS: MR. CHAIRMAN, MEMBERS OF THE
25 COMMITTEE, AS YOU KNOW, MY NAME IS JOHN CUPPS.

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1 I'M APPEARING BEFORE YOU TODAY ON BEHALF OF THE
2 SANTA MARIA TRANSFER STATION, INC. WITH ME TODAY
3 ARE CRAIG PALONEN, THE PRINCIPAL OF SANTA MARIA
4 TRANSFER STATION, INC., AND MIKE HOOVER IS HERE,
5 WHO IS HERE IN A CONSULTING CAPACITY TO THE
6 TRANSFER STATION, BUT WHO IS ALSO THE GENERAL
7 MANAGER OF CHICAGO GRADE LANDFILL, WHICH MAY
8 EVENTUALLY RECEIVE SOME WASTE FROM THE TRANSFER
9 STATION.

10 SIMPLY PUT, WE REPRESENT A
11 COMPETITIVE INTEREST. BUT I CAN ASSURE YOU THAT
12 IF WE DID NOT SINCERELY BELIEVE THAT THE ISSUES
13 THAT WE INTEND TO RAISE ARE REAL AND SUBSTANTIAL
14 ONES, WE WOULD NOT BE HERE TODAY.

15 AFTER SOME BRIEF INTRODUCTORY
16 REMARKS, I'M GOING TO ASK MR. PALONEN TO BRIEFLY
17 EXPLAIN HIS INTEREST IN THIS ITEM. THEN MR.
18 HOOVER WILL TESTIFY ABOUT A NUMBER OF CONCERNS,
19 BUT FOCUS PRIMARILY ON OUR MAJOR CONCERN, WHICH
20 IS
21 THE ADEQUACY OF THE FINANCIAL ASSURANCES FOR
22 THIS
23 FACILITY.

24 IN DISCUSSING THE ADEQUACY OF
25 FINANCIAL ASSURANCES, MR. HOOVER WILL BE
26 TALKING

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24 ABOUT WATER QUALITY ISSUES, WHICH WE FULLY
25 UNDERSTAND ARE NOT WITHIN THE PURVIEW OF THIS

1 BOARD, BUT NONETHELESS GO RIGHT TO THE HEART OF
2 THE ISSUE OF ADEQUACY OF FINANCIAL ASSURANCES.
3 FOLLOWING MR. HOOVER'S PRESENTATION, I WOULD LIKE
4 TO TAKE A MINUTE TO CONCLUDE OUR PRESENTATION.

5 AS PREVIOUSLY NOTED, OUR MAJOR
6 CONCERN WITH THE PROPOSED PERMIT HAS TO DO WITH
7 THE ADEQUACY OF FINANCIAL ASSURANCES.
8 SPECIFICALLY, WE BELIEVE THE CLOSURE TRUST FUND IS
9 UNDERFUNDED BECAUSE THE CLOSURE COST ESTIMATES AND
10 CURRENT LEVEL OF REQUIRED FUNDING ARE PREDICATED
11 UPON AN ESTIMATE OF TOTAL PERMITTED CAPACITY OF
12 THE SITE, WHICH ASSUMES A FINAL HEIGHT LIMITATION
13 OF 340 FEET ABOVE MEAN SEA LEVEL.

14 WE BELIEVE THAT ASSUMPTION IS NOT
15 ONLY UNREALISTICALLY OPTIMISTIC, BUT ALSO MAY BE
16 IN CONFLICT WITH KEY PROVISIONS IN THE WDR'S
17 ISSUED NOVEMBER 18, 1994. THOSE WDR'S CONTAIN A
18 PROVISION WHICH WOULD ALLOW GOING BEYOND THE
19 325-FOOT LIMITATION TO A 340-FOOT HEIGHT
ELEVATION

20 ONLY IF CERTAIN CONDITIONS AND BENCHMARKS ARE
MET.

21 AMONG OTHER THINGS, THE FACILITY MUST BE IN
22 COMPLIANCE WITH THE WASTE DISCHARGE REPORT ORDER
23 AS DETERMINED BY THE EXECUTIVE OFFICER.

24 IN OUR VIEW THERE ARE VERY GOOD

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25 REASONS TO QUESTION WHETHER THE LANDFILL WILL
EVER

1 BE ALLOWED TO EXCEED THE 325-FOOT HEIGHT
2 LIMITATION. THOSE REASONS HAVE TO DO WITH THE
3 FULL EXTENT AND NATURE OF THE GROUNDWATER QUALITY
4 PROBLEMS AT THE SITE AND THE APPARENT LACK OF A
5 VIGOROUS EFFORT BY THE OPERATOR TO FULLY DEFINE
6 AND ADDRESS THEM. MR. HOOVER WILL ADDRESS THOSE
7 ISSUES IN SOME DETAIL IN HIS PRESENTATION.

8 I WOULD LIKE TO BRIEFLY TOUCH UPON
9 THE ISSUE OF WHETHER OR NOT THE PROPOSED PERMIT IS
10 IN CONFLICT WITH THE WASTE DISCHARGE REQUIREMENTS
11 BECAUSE OF THE PROPOSED 340-FOOT HEIGHT
12 LIMITATION. WE UNDERSTAND THAT IT IS STAFF'S
13 OPINION THAT IT IS NOT IN CONFLICT AND THAT THE
14 REGIONAL BOARD HAS WITHDRAWN THEIR STATEMENT MADE
15 IN A MAY 2, 1997, LETTER THAT IT WAS IN CONFLICT.

16 FOR THE RECORD, I WOULD SIMPLY STATE
17 THAT THE ATTORNEYS FOR SANTA MARIA TRANSFER
18 STATION, INC., HAVE INDICATED THAT THEY BELIEVE
19 THAT THERE IS A SUBSTANTIAL LEGAL QUESTION AS TO
20 WHETHER OR NOT THERE IS A CONFLICT WHICH COULD
21 PRECLUDE THE BOARD FROM CONCURRING IN THE PERMIT.
22 HOWEVER, WE DO NOT INTEND TO PURSUE THAT ARGUMENT
23 HERE TODAY BECAUSE REGARDLESS OF WHETHER OR NOT
IT

24 IS IN CONFLICT, WE STILL BELIEVE THAT IT IS
WITHIN

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25 THE BOARD'S DISCRETIONARY AUTHORITY TO OBJECT TO

1 THE PROPOSED PERMIT IF IN ITS JUDGMENTS IT
2 DETERMINED THAT THE FINANCIAL ASSURANCES WERE NOT
3 ADEQUATE BECAUSE OF THE LOWER HEIGHT LIMITATION.

4 INDEED, TO ARGUE THAT THE BOARD DOES
5 NOT HAVE SUCH DISCRETION WOULD UNDERMINE THE
6 FUNDAMENTAL PURPOSES OF FINANCIAL ASSURANCE
7 PROVISIONS, WHICH IS TO ASSURE THAT ADEQUATE FUNDS
8 ARE AVAILABLE AT THE TIME OF CLOSURE.

9 YOU MAY WANT TO HAVE YOUR LEGAL
10 COUNSEL COMMENT ON THE EXTENT OF YOUR DISCRETION
11 AND ALSO ADDRESS THE QUESTION IF THE BOARD CONCURS
12 IN THE PERMIT AS PROPOSED WITH THE 340-FOOT HEIGHT
13 LIMITATION, WHETHER THAT WOULD LIMIT YOUR
14 DISCRETION IN FUTURE YEARS TO BASE FINANCIAL
15 ASSURANCES ON THE LOWER HEIGHT LIMITATION. IT
16 MIGHT ALSO BE APPROPRIATE TO ASK PROGRAM STAFF TO
17 EXPLAIN THE BASIS FOR ASSUMING THAT 340 FEET IS
18 THE APPROPRIATE ONE TO BASE FINANCIAL ASSURANCES
19 UPON.

20 NOW, WITH THAT, I WOULD LIKE TO CALL
21 UPON MR. CRAIG PALONEN AND THEN MIKE HOOVER, AND
22 THEN I'D LIKE A MINUTE AFTER THEIR PRESENTATION
23 JUST TO CLOSE OUR REMARKS.

24 CHAIRMAN FRAZEE: OKAY.
25 MR. PALONEN: GOOD MORNING, MR. CHAIRMAN

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1 AND MEMBERS OF THE COMMITTEE. MY NAME IS CRAIG
2 PALONEN, AND I'M PRESIDENT OF SANTA MARIA TRANSFER
3 STATION INCORPORATED. WE'RE PLANNING TO BUILD A
4 TRANSFER STATION LOCATED IN NIPOMO ABOUT FIVE
5 MILES DISTANT FROM THE EXISTING SANTA MARIA
6 LANDFILL. WE'VE ALREADY INITIATED THE
7 ENVIRONMENTAL REVIEW AND THE PERMITTING PROCESS
8 FOR THE TRANSFER STATION WITH THE COUNTY OF SAN
9 LUIS OBISPO AND YOUR STAFF.

10 I LOOK FORWARD TO THE DAY WHEN WE'LL
11 BE BEFORE THIS BOARD FOR A CONCURRENCE IN OUR
12 SOLID WASTE FACILITIES PERMIT. WE ARE PURSUING
13 THE PROJECT FOR THE SIMPLE REASON THAT WE BELIEVE
14 THAT IT IS A SOUND BUSINESS DECISION. IN SHORT,
15 WE BELIEVE THAT WE CAN MAKE A PROFIT BY PROVIDING
16 AN ENVIRONMENTALLY SOUND AND COMPETITIVELY PRICED
17 ALTERNATIVE TO CONTINUED DISPOSAL AT THE SANTA
18 MARIA LANDFILL. WE BELIEVE THAT OUR ECONOMIC
19 ASSESSMENT IS VALID TODAY GIVEN CURRENT DISPOSAL
20 RATES OF ALMOST \$60 PER TON AND WILL BE EVEN MORE
21 TRUE IN THE FUTURE AS THE SANTA MARIA LANDFILL IS
22 FORCED TO BEAR THE FULL COSTS OF ENVIRONMENTAL
23 CONSEQUENCES OF CONTINUED OPERATION.

24 AS SANTA MARIA IS FORCED TO BEAR
25 THOSE COSTS, PERHAPS CITY OFFICIALS WILL WAKE UP

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1 AND REALIZE THAT EARLY CLOSURE IS NOT ONLY THEIR
2 BEST OPTION, IT IS THEIR ONLY OPTION. THIS IS WHY
3 I'M HERE TODAY AND WHY I'VE RETAINED THE SERVICES
4 OF JOHN CUPPS AND MICHAEL HOOVER. I WANT TO MAKE
5 SURE THAT THE SANTA MARIA LANDFILL IS HELD TO THE
6 SAME STANDARDS OF ENVIRONMENTAL COMPLIANCE AS
7 OTHER FACILITIES IN THIS STATE, BE THEY PUBLIC OR
8 PRIVATELY OWNED. I THANK YOU FOR YOUR TIME.

9 CHAIRMAN FRAZEE: THANK YOU. NOW MR.
10 HOOVER.

11 MR. HOOVER: CHAIRMAN FRAZEE, MEMBERS OF
12 THE BOARD, STAFF, MY NAME IS MICHAEL HOOVER. I,
13 FOR THE RECORD, AM APPEARING BEFORE YOU ON BEHALF
14 OF SANTA MARIA TRANSFER INC., AND WANT TO MAKE
15 SURE THAT I ACKNOWLEDGE THE SAME THAT MR. CUPPS
16 DID, THAT IN MY PROFESSION THERE ARE CERTAIN
17 ETHICS, AND I HAVE TO MAKE YOU AWARE THAT BY
18 MARRIAGE MY WIFE'S FAMILY HAS A LANDFILL THAT'S
19 WITHIN DRIVING DISTANCE. I NEED TO MAKE YOU AWARE
20 OF THAT CONFLICT BEFORE I PROCEED.

21 I WOULD LIKE TO FIRST RESPECTFULLY
22 DISAGREE WITH MR. SMITH OF YOUR STAFF. I BELIEVE
23 HE STATED THAT THIS FACILITY WAS IN COMPLIANCE
24 WITH THE CLEANUP AND ABATEMENT ORDER. I DON'T
25 BELIEVE THAT THAT'S TRUE. I'LL SPEND SOME TIME

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1 EXPLAINING TO YOU TODAY WHY I DON'T THINK IT'S
2 CORRECT.

3 WHAT THE CONFUSION MAY BE HERE, AND
4 I'M JUST HYPOTHESIZING HERE, THE DISCHARGER IS
5 PROBABLY IN COMPLIANCE WITH A REPORT SUBMITTING
6 SCHEDULE, BUT IS NOT IN COMPLIANCE WITH KEY
7 ASPECTS OF THE CLEANUP AND ABATEMENT ORDER WITH
8 RESPECT TO POLLUTION AND NUISANCE THAT I'LL GO
9 INTO. SO I THINK WE NEED TO GET THAT POINT IRONED
10 OUT. I DIDN'T THINK IT WAS CONTENDED, AND I WAS
11 VERY SURPRISED TO HEAR SOMEBODY SAY THAT THE
12 DISCHARGER WAS IN COMPLIANCE WITH THE CLEANUP AND
13 ABATEMENT ORDER. THE ABLE MR. ARKFELD IS BEHIND
14 ME AND, I'M SURE, CAN COMMENT ON THAT FACT.

15 IN OUR OPINION, THE FIRST AND
16 FOREMOST PROBLEM WITH THIS PERMIT IS THE FACILITY
17 IS NOT IN COMPLIANCE WITH THE WASTE DISCHARGE
18 ORDER, NOR WITH THE CLEANUP AND ABATEMENT ORDER.
19 NONCOMPLIANCE WITH A CAO CERTAINLY AFFECTS THE
20 60-DAY CLOCK HERE, WHICH MAY GIVE YOU TIME TO IRON
21 OUT SOME OF THESE QUESTIONS THAT HAVE COME UP, BUT
22 IT ALSO PRECLUDES THE WATER BOARD FROM ALLOWING A
23 VERTICAL EXPANSION. I THINK THAT'S THE CRUX OF
24 THE ISSUE HERE, FINANCIAL ASSURANCE AND VERTICAL
25 EXPANSION.

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1 LET'S FIRST PUT ON THE RECORD THE
2 MAY 2D MEMORANDUM, AND I DON'T SEE ANY OTHER
3 WRITTEN CORRESPONDENCE THAT CONTRADICTS THIS. IF
4 YOU LOOK AT THE LAST SENTENCE IN PARAGRAPH 2, IT
5 STATES AT THIS POINT, MEANING THE WATER BOARD, A
6 MEMORANDUM FROM TERRY SMITH SIGNED BY THE
7 EXECUTIVE OFFICER OF THE WATER BOARD. AND WHAT
8 THE WATER BOARD TOLD YOU ON MAY 2D WAS THAT AT
9 THIS POINT WE WILL NOT CONSIDER APPROVAL OF THE
10 PROPOSED VERTICAL EXPANSION UNTIL FULL COMPLIANCE
11 WITH THE CAO IS ACCOMPLISHED.

12 LET'S LOOK AT THIS CLEANUP AND
13 ABATEMENT ORDER AND SEE WHAT IT REQUIRES THE
14 DISCHARGER TO DO. AND, IN FACT, BOTH THE WASTE
15 DISCHARGE ORDER AND THE CLEANUP AND ABATEMENT
16 ORDER ARE CONSISTENT ON ONE POINT, AND I QUOTE,
17 THE CITY NEEDS TO, AND I QUOTE, ADDRESS BOTH THE
18 VERTICAL AND HORIZONTAL MIGRATION OF THE ENTIRE
19 PLUME.

20 NOW, THE CITY ITSELF SUBMITTED A
21 REPORT SOME TWO OR THREE WEEKS AGO THAT SAID ON
22 PAGE 12, THIS IS THEIR CORRECTIVE ACTION PLAN
23 THAT
24 YOU JUST HEARD ABOUT, IN THE CITY'S OWN REPORT,
25 THEY SAY, AND I QUOTE, THERE ARE INSUFFICIENT

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DATA

25 AT THE PRESENT TIME TO DETERMINE THE LATERAL

1 EXTENT OF GROUNDWATER CONTAMINATION.

2 I DON'T KNOW IF THERE'S SOME NEW
3 WELLS THAT HAVE BEEN DRILLED IN THE LAST WEEK OR
4 SO; BUT IF NOT, THAT STATEMENT SHOULD STAND. THE
5 PROBLEM THAT THE CITY SEEMS TO BE HAVING, AND ONE
6 CAN GLEAN THIS FROM READING THEIR QUARTERLY
7 MONITORING REPORTS, IS THAT THERE IS ONE WELL,
8 MW 18 OR MWO 18, LOCATED APPROXIMATELY 2,000 FEET
9 DOWNGRAIENT FROM THE LANDFILL ON WHAT APPEARS TO
10 BE PRIVATE PROPERTY THAT CONTAINS HAZARDOUS
11 CHEMICAL COMPOUNDS, VINYL CHLORIDE IN PARTICULAR,
12 A CARCINOGENIC COMPOUND, THAT EXCEEDS THE DRINKING
13 WATER STANDARD BY A FACTOR OF SEVEN. YOU WILL
14 REFER TO TABLE 6 OF AN ITE REPORT, THEIR
15 CONSULTANT'S REPORT, DATED APRIL 24TH, TWO, THREE
16 WEEKS AGO.

17 NOW, IN THEORY A DISCHARGER, ANY
18 DISCHARGER, CAN DRILL A WELL A MILE, TWO MILES
19 DOWNGRAIENT OF A CONTAMINATED WELL AND FIND A
20 CLEAN WELL AND BE IN COMPLIANCE WITH THE CLEANUP
21 AND ABATEMENT ORDER. THEY'VE HAD FIVE OR TEN
22 YEARS TO DO THAT AND HASN'T BEEN DONE. AND IN
23 THEORY ONE CAN DRILL A WELL TWO OR THREE OR 400
24 FEET DEEP IF YOUR WELL AT 122 FEET DEEP IS
25 CONTAMINATED OR SHOWS SOME EFFECTS OF

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1 CONTAMINATION. INDEED THEIR 122-FOOT WELL DOES
2 FROM TIME TO TIME SHOW VINYL CHLORIDE ABOVE THE
3 DRINKING WATER STANDARD.

4 AND I CAN'T SIT HERE AND SPECULATE
5 WHY THEY HAVEN'T DONE THAT, BUT I WILL TELL YOU
6 THAT IN 1994 I SAT IN A HEARING AND I LISTENED
TO

7 THE WATER BOARD SAY THE FOLLOWING, IN QUOTE,
THERE

8 ARE 20 DOMESTIC WELLS, IRRIGATION AND LIVESTOCK
9 WELLS, WITHIN ONE MILE OF THIS SITE. MANY OF
10 THESE WELLS HAVE TESTED POSITIVE FOR LOW LEVELS
OF
11 VOLATILE ORGANIC COMPOUNDS DOWNGRADIENT OF THE
12 LANDFILL.

13 NOW, THAT TO ME SAYS THE WATER
BOARD

14 WAS AT LEAST SUGGESTING THE POSSIBILITY THAT
THERE

15 ARE SOME VERY FAR REACHING AND SERIOUS EFFECTS
16 FROM THIS LANDFILL. THOSE AREN'T MY WORDS.

THOSE

17 ARE THE WATER BOARD'S WORDS. AND IF THAT IS
TRUE,

18 EITHER YOUR COUNSEL OR THE WATER BOARD'S COUNSEL

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19 SHOULD PROBABLY ADVISE US AS TO WHAT THAT MEANS.

20 DOES IT MEAN THAT IF SOMEBODY PRESSES IT, THIS

21 THING CLOSES EARLY? AND IF IT CLOSES EARLY AND

22 YOU'RE LOOKING AT 340 FOR FINANCIAL ASSURANCE,

ARE

23 YOU GOING TO GET CAUGHT SHORT HERE?

24 THERE'S SOME OTHER WORDING IN THAT

25 CLEANUP AND ABATEMENT ORDER, AND I'M, IN THE

1 INTEREST OF TIME, NOT GOING TO GO THROUGH ALL OF
2 THIS. BUT ON PAGE 4, NO. 26, IT TALKS ABOUT --
3 I'M ON PAGE 4 OF THE HANDOUT I JUST GAVE YOU -- ON
4 PAGE 4, NO. 26 OF THE CLEANUP AND ABATEMENT ORDER,
5 THERE'S SOME UNDERLINING, THERE TO PREVENT A
6 NUISANCE. THE NEXT ONE DOWN, CAUSE CONDITION OF
7 POLLUTION OR NUISANCE TO OCCUR. UP ABOVE THAT,
8 SHALL NOT CAUSE THE RELEASE OF POLLUTANTS.

9 THE NEXT, THE THIRD ONE DOWN ON PAGE
10 4, WASTE SHALL NEITHER CAUSE NOR CONTRIBUTE TO
11 POLLUTION OF GROUNDWATER. THAT'S ALL OUT OF THE
12 WDR. TO GET THE VERTICAL EXPANSION, YOU'VE GOT TO
13 SATISFY THE WDR AND THE CLEANUP AND ABATEMENT
14 ORDER. WHAT'S THE EVIDENCE THAT THE CITY HAS DONE
15 THAT? IT'S RIGHT OUT OF THE STATE'S OWN ORDER.
16 THE CLEANUP AND ABATEMENT ORDER SAYS THE OPERATION
17 OF THE LANDFILL BY THE CITY HAS LED TO THE RELEASE
18 OF POLLUTANTS.

19 AND IF YOU SKIP DOWN, HAS CAUSED A
20 CONDITION OF POLLUTANTS OR NUISANCE TO OCCUR. I
21 MEAN YOU JUXTAPOSE THOSE TWO DOCUMENTS, AND I
22 DON'T SEE HOW THERE CAN BE ANY DEBATE THAT THIS
23 FACILITY IS NOT IN COMPLIANCE WITH THE WASTE
24 DISCHARGE ORDER AND IS GOING TO HAVE A HECK OF

A

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25 TIME COMPLYING BECAUSE IT'S GOT TO GET RID OF
THE

1 POLLUTION PROBLEM.

2 LET'S TALK A LITTLE BIT ABOUT
3 LEACHATE. ACTUALLY I THINK I MISLED YOU. THAT
4 WAS PAGE 4 OF MY TALK. I SEE YOU ALL THUMBING
5 THROUGH THERE. MY MISTAKE.

6 ON PAGE 6 OF THE WASTE DISCHARGE
7 ORDER, THE DISCHARGER IS PRECLUDED FROM LETTING
8 LEACHATE INTO THE GROUNDWATER. REAL COMMON,
9 COMMON PROHIBITION. YET THE CONSULTANT IN JANUARY
10 OF '97 SAID THE FOLLOWING: THERE IS SOME
11 EVIDENCE, SOME EVIDENCE, NOT CONCLUSIVE, OF THE
12 IMPACT OF GROUNDWATER FROM LEACHATE. THE PRESENCE
13 OF THESE CONSTITUENTS -- HE'S TALKING ABOUT VOC'S
14 HERE -- ALONG WITH -- HE'S TALKING ABOUT HIGH
15 TDS'S AND OTHER THINGS -- HE SAYS THE PRESENCE OF
16 THESE CONSTITUENTS, ALONG WITH NUMEROUS VOC'S,
17 INDICATES THAT THEY, MEANING MONITORING WELLS, ARE
18 MOST LIKELY IMPACTED BY LEACHATE. YOU CAN'T PUT
19 LEACHATE IN THE GROUNDWATER. THE CONSULTANT SAYS
20 IT'S MOST LIKELY FROM LEACHATE. AGAIN, THAT'S
21 SOMETHING THAT HAS TO BE ADDRESSED BEFORE THIS
22 VERTICAL EXPANSION OCCURS.

23 THERE'S ANOTHER ITEM, INFILTRATION
24 OF RAINWATER, WHICH IS PRECLUDED. YOUR OWN STAFF
25 VISITED THIS SITE IN 1994 AND SAID, AND I QUOTE,

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1 THE DAILY COVER -- DAILY INTERIM COVER MATERIAL IS
2 SAND, WHICH IS VERY PERMEABLE. THAT'S FROM YOUR
3 STAFF. IN JANUARY OF THIS YEAR, THEIR CONSULTANT
4 SAYS, UNDER THE WETTEST CONDITIONS INFILTRATION
5 THROUGH POROUS COVER MATERIAL DURING THE RAINY
6 SEASON IS LIKELY WITH SUBSEQUENT LEACHATE
7 GENERATION. IT'S STILL APPARENTLY THE PROBLEM OF
8 '94 IS STILL A PROBLEM IN JANUARY OF '97.

9 THE LAST BIG TICKET ITEM HERE IS
10 GROUNDWATER IN THE WASTE. THIS IS A VERY SERIOUS
11 PROBLEM. I, AS A LANDFILL OPERATOR, CERTAINLY
12 KNOW THAT AND, AS A CONSULTANT, I CERTAINLY KNOW A
13 LOT ABOUT GROUNDWATER. I MAKE A LIVING FINDING IT
14 MAKING IT GO AWAY WHEN IT APPEARS WHERE IT
15 SHOULDN'T.

16 THE WASTE DISCHARGE ORDER PROHIBITS
17 THE STORAGE, DISPOSAL, DISCHARGE, AND TREATMENT OF
18 WASTE WITHIN 5 FEET OF GROUNDWATER. IT'S ON PAGE
19 12 OF THE WDR'S. YET ON JANUARY 30TH THEIR
20 CONSULTANT SAID, DURING OF PERIODS OF HIGH WATER
21 LEVELS, THE BASE OF THE LANDFILL MAY BE PARTIALLY
22 SATURATED. BACK IN -- THIS IS NOTHING NEW. BACK
23 IN '94 THE WATER BOARD WENT OUT THERE AND DID A
24 SITE VISIT, AND THEIR CONCLUSION WAS, AND I QUOTE,
25 THE GROUNDWATER TABLE HAS RISEN TO LESS THAN 5

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1 FEET AT THE BOTTOM OF THE LANDFILL. THEY HAD THE
2 PROBLEM IN '94; THEY GOT THE PROBLEM IN '97.

3 THE CITY, AS I UNDERSTAND IT, HAS A
4 COUPLE OF GROUNDWATER INTRUSION PREVENTION PLANS.
5 ONE BY THE PUBLIC WORKS DIRECTOR, WHICH I READ,
6 AND ANOTHER ONE BY A CONSULTANT. AND THE GENERAL
7 PLAN, AND WE ACTUALLY ARE GOING TO GO TO YOUR
8 HANDOUT THAT I GAVE YOU NOW, WHICH IS NO. 2, TALKS
9 ABOUT CHANNELIZING THE SANTA MARIA RIVER. AND I
10 THINK IF YOU LOOK AT THE THIRD ITEM IN THE
11 HANDOUT, YOU WILL SEE A LITTLE MAP. AND ON -- YOU
12 CAN SEE THE SLASH MARKS. I THINK IT SAYS
13 ILLUSTRATION 3 IN THE LOWER RIGHT CORNER. IT'S
14 THE ONLY MAP IN YOUR HANDOUT.

15 THE LANDFILL IS THE SLASH MARKED
16 AREA AT THE BOTTOM. THE DARK THING IS WHERE THE
17 RIVER GOES WHEN THEY DON'T WANT IT TO GO THERE.
18 AND THEN THAT LIGHT AREA UP NEAR THE COUNTY LINE
19 IS THE OTHER SIDE OF THE FLOOD PLAIN WHERE THE
20 CITY WANTS IT TO GO TO GET IT AWAY FROM THE
21 LANDFILL.

22 AND AS I UNDERSTAND IT, WHAT THEY'RE
23 TRYING TO DO IS RECHANNELIZE TO MAKE THE WATER
24 HAVE A PREFERENTIAL PATH AWAY FROM THE
LANDFILL.

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25 AND, INDEED, IN THE CORRECTIVE ACTION PLAN,
THEY

1 ACTUALLY SAY ON PAGE 23 THAT THEY MOVED 50,000
2 CUBIC YARDS. AND I ASSUME THAT WAS AN ATTEMPT,
3 AND OF COURSE THE WATER BOARD AND CITY ARE HERE TO
4 CONFIRM THIS, THAT WAS AN ATTEMPT TO DO THIS
5 CHANNELIZATION. THAT WOULD HAVE BEEN GREAT IF IT
6 WORKED.

7 IF YOU LOOK AT THEIR QUARTERLY
8 MONITORING REPORT AND DO SOME MATHEMATICAL
9 GYRATIONS, ON ILLUSTRATION 4 IN YOUR PACKET, YOU
10 CAN SEE ON THE FAR LEFT COLUMN THAT 15 OR 16 OF 23
11 WELLS APPEAR TO BE WITHIN, WELL, CERTAINLY ARE
12 WITHIN 30 FEET OF THE SURFACE. THERE ARE NUMEROUS
13 DOCUMENTS THAT INDICATE THAT THE WASTE IS 25 FEET
14 DEEP, 20 TO 30 IS WHAT YOU READ, 25 IS THE NUMBER
15 THAT COMES UP MOST OF THE TIME. THE CITY IS
16 ACTUALLY SUPPOSED TO FIND OUT HOW DEEP IT IS AND
17 THEY HAVEN'T DONE IT YET.

18 IF YOU USE THE 25-FOOT NUMBER, WHICH
19 I THINK IS FAIR AND REASONABLE, YOU CAN SEE THAT
20 TWO-THIRDS OF THE WELLS WITHIN THE WASTE
21 MANAGEMENT UNIT AREA ARE WITHIN 30 FEET OF THE
22 WASTE. THAT'S A CLEAR PROHIBITION. THIS IS
23 AFTER -- THIS IS IN MARCH '97 AFTER THE
24 CHANNELIZATION EFFORT.

25 AND THEN YOU HAVE TO ASK YOURSELF

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1 WAS MARCH '97, THAT WAS A WET TIME. IT RAINED A
2 LOT IN JANUARY AND FEBRUARY AND DIDN'T RAIN ANY AT
3 ALL IN MARCH AND APRIL DOWN SOUTH. IS THAT THE
4 WORST AND THE HIGHEST? I DON'T THINK SO. BUT
5 IT'S CERTAINLY WHAT HAPPENED A MONTH OR TWO OR
6 THREE OR FOUR MONTHS AGO. AND SO YOU HAVE TO ASK
7 YOURSELF IS THIS AN ITEM THAT THERE'S ANY
8 REASONABLE PROGRESS ON AND IS THIS GOING TO BE
THE
9 FATAL FLAW?

10 THIS IS ALL PICTURED NICELY IN A
11 CROSS SECTION WHICH IS THE FOLDOUT OF
ILLUSTRATION

12 5. CH2MHILL IS THE CITY'S CONSULTANT, AND
THEY'VE

13 DRAWN A CROSS SECTION THROUGH HERE. AND YOU CAN
14 SEE THAT THE WASTE IS -- THERE'S A THING THAT
SAYS

15 REFUSE KIND OF UP IN THE LEFT SIDE. THE DASHED
16 LINE IS THE BOTTOM OF THE REFUSE. AND YOU CAN
SEE

17 THAT IN SEPTEMBER OF 1996, THE WASTE WAS IN THE
18 WATER. THAT'S WHAT THAT 996 PISOMETRIC SURFACE
19 SAYS.

20 BY DECEMBER IT HAD FALLEN, AND
THEIR

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21 HOPES WERE HIGH, I ASSUME, MINE WOULD BE. BUT IF
22 YOU LOOK BACK AT TABLE 4, YOU CAN SEE THAT IT WAS
23 BACK ALMOST -- LET'S SEE -- THE FAR RIGHT COLUMN,
24 WHERE IT SAYS MAX WATER TABLE ELEVATION, THAT
25 GENERALLY IS 996 IN SEPTEMBER, AND THOSE NUMBERS

1 WERE LIKE 245 IN WELL MW-2. WELL, BY MARCH, IT
2 HAD CREEPED BACK UP WITHIN 3 FEET OF THE MAXIMUM.

3 SO I THINK IF YOUR STAFF OR SOME
4 STAFF WANTS TO LOOK AT THIS, WHAT I FOUND AND I
5 SUBMIT TO IT FOR YOUR INFORMATION, WAS THAT THE
6 WATER TABLE BY MARCH OF THIS YEAR WAS WITHIN 2 OR
7 3 FEET OF THAT UPPERMOST LINE. AND YOU CAN LOOK
8 AT THAT SCALE DOWN THERE, IT'S ABOUT 30 FEET TO
9 THE INCH. NOW, MY CONCLUSION FROM ALL THIS OR

A

10 REASONABLE PERSON'S CONCLUSION, THEY HAD WATER
IN
11 THE WASTE TWO THREE MONTHS AGO AFTER CHANNELI-
12 ZATION.

13 THERE ARE OTHER THINGS THE CITY
CAN

14 DO. I'M NOT GOING TO STAND HERE AND TELL YOU
IT'S

15 IMPOSSIBLE TO SATISFY ALL THESE THINGS. I
TEND TO

16 AGREE WITH BOARD MEMBER JONES. GIVE THEM FIVE
17 YEARS, SEE IF THEY CAN MAKE IT. NOBODY IS
GOING

18 TO STAND HERE AND TELL YOU TO SHUT THEM DOWN
19 TOMORROW. GIVE THEM A CHANCE.

20 THE CITY HAS SAID, HOWEVER, AND

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THIS

21 ON -- IN THEIR CORRECTIVE ACTION PLAN, THERE

ARE

22 METHODS, VARIOUS OTHER METHODS OF REMEDIATING

23 GROUNDWATER CONTAMINATION PROBLEMS. I THINK

THE

24 SAME IS TRUE OF HIGH GROUNDWATER PROBLEMS.

THESE

25 METHODS INCLUDE SLURRY WALLS, AIR SPARGING,

1 HORIZONTAL TRENCHING, AIR INJECTION, PUMP AND
2 TREAT -- HEARD A LOT ABOUT THAT ON UNDERGROUND
3 TANKS -- AND WELLHEAD TREATMENT.

4 THE CITY'S CONCLUSION ABOUT THESE
5 OTHER METHODS THAT HAVE BEEN SUGGESTED TO THEM IS
6 THAT THEY'RE EITHER TOO EXPENSIVE OR NOT VERY
7 EFFECTIVE. YOU HAVE TO ASK YOURSELF: ARE THEY
8 GOING TO SOLVE THE PROBLEM IF THEY DON'T LOOK MORE
9 SERIOUSLY AT SOME OF THESE OTHER ALTERNATIVES?

10 I GUESS AT THIS POINT WE NEED TO GO
11 BACK AND SAY WHAT'S THE POINT OF ALL THIS WATER
12 QUALITY STUFF THAT I'VE JUST GIVEN YOU. THE POINT
13 IS THAT THE ABILITY OF THE OPERATOR TO COMPLY WITH
14 THE CLEANUP AND ABATEMENT ORDER AND THE WASTE
15 DISCHARGE ORDER IS AT LEAST SUSPECT AT THIS POINT.
16 AND IF THEY DON'T COMPLY, THERE'S GOING TO BE NO
17 VERTICAL EXPANSION.

18 IF YOU CONCUR WITH THIS PERMIT, YOU
19 MUST ACCEPT THE OPERATOR'S FINANCIAL ASSURANCE
20 THAT YOUR STAFF HAS TOLD YOU IS OKAY. AND AS I
21 THINK MR. CUPPS POINTS OUT, IF IT DOESN'T EVER GET
22 TO THAT ELEVATION, THEY'RE SHORT. ALL THE
23 ASSUMPTIONS, ALL THE CONCLUSIONS OF YOUR STAFF
24 MADE ASSUMES IT GETS TO 340. I THINK THEY SAID
25 THAT. OUR POINT IS WHAT IF IT DOESN'T.

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1 THERE ARE A NUMBER OF QUOTES THAT,
2 IN THE INTEREST OF TIME, I'M NOT GOING TO READ
3 YOU. BUT I WILL SUMMARIZE THEM AND TELL YOU THAT
4 STARTING IN OCTOBER 1991, A WATER BOARD STAFFER
5 TOLD HIS BOSS, WHO'S STILL THE EXECUTIVE OFFICER
6 OR WHO IS NOW THE EXECUTIVE OFFICER, THAT HE HAD
7 SOME CONCERNS WITH THIS THING STAYING OPEN TO
8 2018. AND IF HE HAS THEM, MAYBE WE OUGHT TO
9 WONDER IF WE SHOULD HAVE THEM HERE.

10 THE WATER BOARD OFFICER, HAVING
11 RECEIVED THAT MEMO FROM HIS STAFF, WROTE BACK TO
12 THE CITY AND EXPRESSED THE SAME CONCERNS AND
13 SIMPLY SAID THE CITY PROPOSED TO OPERATE THE
14 LANDFILL FOR ANOTHER 27 YEARS. AS WE DISCUSSED,
15 MEANING THE CITY AND THE WATER BOARD, GIVEN THE
16 SPECIFIC SITE CONDITIONS, THE REGIONAL WATER BOARD
17 CANNOT ALLOW SUCH AN EXTENSIVE OPERATING LIFE.
18 MR. ARKFELD PROBABLY ISN'T GOING TO STAND HERE AND
19 TELL YOU THAT TODAY, BUT I CAN SURE TELL YOU WHAT
20 HIS EXECUTIVE OFFICER SAID IN '91.

21 IN '93 THE EXECUTIVE OFFICER
22 FOLLOWED UP AND SAID THE PERMITTING AN EXPANSION,
23 A VERTICAL EXPANSION OF A LEAKY LANDFILL, WAS NOT
24 SOMETHING THEY WERE GOING TO DO. HE SAID IT AGAIN
25 IN 1994 AT THE WASTE DISCHARGE HEARINGS. AND THEN

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1 THERE WAS ANOTHER EXCHANGE AFTER THE STAFF REPORT
2 CAME OUT. AND THEN, I GUESS, IN OUR MIND WE COME
3 BACK FULL CIRCLE, AND WE GET A MEMO LAST WEEK THAT
4 SAYS THAT THEY WEREN'T IN COMPLIANCE WITH THE CAO
5 AND THEY WEREN'T GOING TO GRANT THE EXPANSION.
6 AND I DON'T THINK MR. ARKFELD SAID THAT THEY WERE
7 IN COMPLIANCE WITH THE CAO. I'D BE INTERESTED TO
8 HEAR THAT. I CAN'T SEE HOW THEY COULD BE.

9 I'VE BEEN DIRECTED BY SANTA MARIA
10 TRANSFER'S LEGAL COUNSEL TO STATE FOR THE RECORD
11 THAT THIS LANDFILL FAILS TO MEET STATE MINIMUM
12 STANDARDS ESTABLISHED BY THE STATE. I'M TOLD THAT
13 IS BECAUSE OF EXPLOSIVE GASES. I WORKED UP A
14 LITTLE COMPARISON WHILE I WAS SITTING HERE OF HOW
15 MANY CFM OUR GAS SYSTEM IS GOING TO HAVE AND HOW
16 MANY ACRES WE'VE GOT, AND I'M NOT GOING TO BURDEN
17 YOU WITH THAT, EXCEPT TO SAY THAT A HUNDRED CFM ON
18 80 ACRES I FIND INTERESTING.

19 THE OTHER PROBLEM IS THAT THE GAS
20 SYSTEM IS NOT GOING TO SOLVE THE HIGH GROUNDWATER
21 PROBLEM, AND IT MAY NOT SOLVE THE GROUNDWATER
22 POLLUTION PROBLEM. AND IF THOSE THINGS -- YOU MAY
23 SATISFY YOUR GAS -- EXPLOSIVE GAS PROBLEM FIVE,
24 TEN, 20 YEARS FROM NOW, BUT IT DOESN'T GET THIS
25 VERTICAL EXPANSION APPROVED.

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1 THERE ARE ALSO 68 ACRES OF THE
2 INACTIVE AREA WHICH IS ADJACENT TO BUT DISTINCT
3 FROM THIS LANDFILL. THAT AREA HAS NOT ACCEPTED
4 WASTE, BEST I CAN TELL FROM THE FILE, AGAIN ASK
5 THE CITY, FOR SOMETHING LIKE TO TEN TO 35 YEARS,
6 YET IT IS STILL NOT CLOSED AND IT'S STILL NOT
7 COVERED WITH IMPERMEABLE SOIL. AS A LANDFILL
8 OPERATOR, I FIND THAT INCREDIBLE. I HOPE THIS
9 BOARD IS THAT FORGIVING WHEN I COME BEFORE YOU
10 WITH A VIOLATION AND PLEAD FORGIVENESS.

11 THE LAST ISSUE, THE ISSUE THAT I
12 THINK IS OUR BIG ISSUE, IS FINANCIAL ASSURANCE. I
13 DON'T NEED TO SHOW YOU THE NEXT ILLUSTRATION.
14 YOU'VE GOT THAT IN YOUR PACKAGE. IT'S NO. 8, YOUR
15 LETTER FROM NANCY JESTREBY HERE, SAYING THAT THEIR
16 FINANCIAL ASSURANCE IS ADEQUATE. AGAIN, AS LONG
17 AS THE ELEVATION 340 IS THE RIGHT NUMBER, THEN
18 THAT LETTER IS CORRECT.

19 I THINK I NEED TO ASK THE QUESTION
20 HERE WHETHER OR NOT THE CITY'S CLOSURE PLAN IS
21 SIMPLY IN THE WATER BOARD'S EYES COMPLETE OR IS IT
22 COMPLETE AND ACCURATE? BECAUSE IF THE CITY'S
23 FINAL CLOSURE PLAN IS INACCURATE, THEN ALL OF YOUR
24 STAFF'S ANALYSES ARE WRONG. THE CITY'S CLOSURE
25 PLAN SIMPLY SAYS HERE WE WERE IN 1978 WITH THE

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1 GROUND SURFACE AND NOW WE'RE GOING TO GO UP TO
2 340. THERE'S NO PHASING IN THAT CLOSURE PLAN LIKE
3 OUR CLOSURE PLAN HAS AND LIKE OTHER LANDFILLS
4 HAVE. AND THAT'S THE RISE TO MR. JONES' QUESTION.
5 WHERE ARE WE GOING TO BE AT 340? HOW MANY YEARS
6 HAVE WE GOT? I'LL COME BACK TO THAT IN MY FINAL
7 COMMENT.

8 THE NEXT TWO ILLUSTRATIONS IN YOUR
9 PACKAGE ARE DEALING WITH THE FINANCIAL ASSURANCE
10 ISSUES. I THINK THEY'RE ILLUSTRATION 10 AS A
11 PLACE TO START. CAN YOU ALL FOLLOW IT IF I DON'T
12 PUT IT ON THE MONITOR? IT'S A SERIES OF GRAPHS
13 THAT SHOW THE CITY'S CLOSURE FUND COST IS 18
14 MILLION RIGHT NOW, AND THAT WOULD BE UP IN THE
15 UPPER LEFT CORNER WHERE IT SAYS 18, CLOSURE COST
16 SLASH FUND BALANCE COLUMN. AND IT'S GOING TO GO
17 UP TO 21 OR 22 ASSUMING A COST OF LIVING OF 3
18 PERCENT. AND THAT'S WHAT OURS DOES EVERY YEAR.

19 THE CITY'S GOT SEVEN MILLION ROUGHLY
20 IN THERE. AND BY THE TIME IT'S TIME TO CLOSE
21 THEIR INACTIVE AREA, THEY'RE GOING TO HAVE
22 PROBABLY 14 MILLION IN THERE. MY POINT IS THAT
23 WHEN THEY CLOSE THEIR INACTIVE AREA IN THE YEAR
24 2003, 2004, A LOT OF MONEY IS GOING TO COME OUT OF
25 THIS CLOSURE ACCOUNT. THAT'S THE WAY ROLLING

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1 CLOSURE WORKS.

2 IF FOR SOME REASON THIS LANDFILL
3 GETS CLOSED ABOUT THE TIME THE INACTIVE AREA
4 CLOSES OR MAYBE THREE YEARS AFTER -- AND THAT'S
5 JUST A NUMBER I'VE THROWN OUT FOR YOU TO LOOK
6 AT -- YOU'D HAVE A CLOSURE COST DEFICIT OF ROUGHLY
7 SIX AND A HALF TO FOUR AND A HALF MILLION
8 DEPENDING ON WHETHER IT CLOSES IN 2004, 2007
9 RESPECTIVELY.

10 NOW, I DON'T EXPECT TO TELL YOUR
11 STAFF HOW TO DO THEIR NUMBERS, BUT I'M POINTING
12 THIS OUT TO SAY THAT IF YOUR STAFF WAS ASKED THE
13 QUESTION: WHAT HAPPENS IF THIS THING CLOSES
14 EARLY, HOW MUCH SHORT ARE THEY GOING TO BE, I
15 WOULD SUGGEST TO YOU THAT IT'S GOING TO COME BACK
16 WITH A NUMBER LIKE THAT. I DON'T KNOW WHETHER
17 IT'S EXACTLY FOUR AND A HALF OR SIX AND A HALF,
18 BUT IT'S GOING TO BE SHORT BECAUSE AS THE
19 FINANCIAL ASSURANCE IS SET UP, AND CERTAINLY I DO
20 MINE EVERY YEAR, THERE'S NOT ENOUGH MONEY IN THIS
21 CLOSURE FUND TILL 2013, WHICH IS ELEVATION 340.

22 THE NEXT ILLUSTRATION IS 11, WHICH
23 SHOWS THE SAME THING IN BAR GRAPHS. THE SOLID
24 LINE IS HOW MUCH IS IN THE FUND. THE LIGHTER BARS
25 ARE THE ONES THAT IS WHAT'S REQUIRED TO CLOSE.

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1 AND YOU CAN SEE FROM THAT THAT THE TWO BARS ARE
2 NOT OF EQUAL HEIGHT UNTIL 2013. ALL THE MONEY IS
3 NOT THERE.

4 AND SO WE WOULD LIKE TO CONCLUDE, OR
5 I'D LIKE TO CONCLUDE BEFORE JOHN FINISHES, BY
6 SAYING TO YOU THAT I THINK THERE ARE FOUR THINGS
7 THAT YOU NEED TO DO, AND THOSE ARE SHOWN ON NO.
8 12. I WOULD SUGGEST YOU DETERMINE AN ACCURATE
9 CLOSURE COST, INCLUDING WHATEVER SYSTEMS ARE
10 REQUIRED FOR CORRECTIVE ACTION OR FOR CLOSURE THAT
11 ARE CURRENTLY FORESEEN.

12 I'VE SUBMITTED TO YOU TODAY THAT I
13 DON'T THINK RIVER RECHANNELIZATION IS VERY LIKELY
14 TO WORK, BUT IF IT IS, LET'S PUT SOME MONEY IN
15 THERE FOR THAT. IT'S GOING TO HAVE TO HAPPEN FOR
16 30 YEARS. WE'LL HAVE TO RECHANNELIZE THAT RIVER
17 EVERY YEAR FOR 30 YEARS WITH DEWATERING EQUIPMENT
18 AND A BUNCH OF ELECTRICAL PUMP TRIGGERED HIGH
19 WATER LEVELS. WHERE IS THAT MONEY FOR THAT NUTS
20 AND BOLTS EXPENSES THAT THIS BOARD IS GOING TO
21 HAVE TO DO IF THAT OPERATOR FAILS TO CLOSE THE
22 SITE?

23 THE SECOND THING WOULD BE TO TALK
24 ABOUT THE CLOSURE DATE AT 325. WE DON'T KNOW
25 THAT.

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1 THE THIRD THING WOULD BE TO
2 DETERMINE THE CLOSURE FUND DEFICIT ASSUMING
3 THERE'S EARLY CLOSURE. NOW, I'VE GIVEN YOU A
4 NUMBER, BUT I DON'T PRETEND TO BE YOUR EXPERT. I
5 DO MINE EVERY YEAR, BUT YOUR PEOPLE DO A FEW
6 HUNDRED. I THINK THAT MAYBE THAT WOULD BE AN
7 APPROPRIATE QUESTION.

8 AND LASTLY, I MISLABELED THIS. I
9 SAID MAKE THE SOLID WASTE FACILITY PERMIT. I
10 FULLY UNDERSTAND THAT YOU DON'T WRITE PERMITS, SO
11 I REWROTE THAT, AND IT SAYS SOMETHING LIKE SUGGEST
12 TO THE LEA THAT THE MAXIMUM PERMITTED ELEVATION BE
13 325 IF YOU CHOOSE NOT TO CONCUR WITH THIS PERMIT,
14 AND MAYBE YOU WILL SAVE EVERYBODY A LOT OF TIME
15 GOING BACK AND FORTH FROM SANTA BARBARA TO
16 SACRAMENTO. AND THAT THE CLOSURE DATE BE
17 CONSISTENT WITH THAT ELEVATION. THANK YOU.

18 CHAIRMAN FRAZEE: THANK YOU. MR. CUPPS,
19 IF YOU'D CARE TO WRAP UP.

20 MR. CUPPS: IN CONCLUSION, I WOULD LIKE
21 TO ASK THE COMMITTEE TO CONSIDER THE FOLLOWING:
22 IF YOU CONTINUE TO ALLOW FINANCIAL ASSURANCES
23 BASED UPON THE 340-FOOT ELEVATION AND THE LANDFILL
24 CLOSES AT 325 FEET, HOW LONG AND AT WHAT EXPENSE
25 WILL IT TAKE TO GET THE FUNDS TO CLOSE?

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1 AS YOU CONSIDER THAT, KEEP IN MIND
2 THE FOLLOWING: THE CITY HAS STATED IN THE
3 PROCEEDINGS ON THE WASTE DISCHARGE REQUIREMENTS IN
4 1994 THAT THEY NEED THAT ADDITIONAL HEIGHT, IF YOU
5 WILL, IN ORDER TO BE ABLE TO FUND CLOSURE COSTS.

6 SECOND, IT TOOK THE CITY OF SANTA
7 MARIA, DESPITE ANNUAL LETTERS FROM THIS BOARD
8 STATING THAT THEY WERE NOT IN COMPLIANCE WITH
9 THEIR FINANCIAL ASSURANCE REQUIREMENTS, ABOUT FIVE
10 OR SIX YEARS FOR THEM TO COME INTO COMPLIANCE WITH
11 THE CURRENT LEVEL OF REQUIRED FUNDING.

12 AND THE THIRD POINT I'D LIKE YOU TO
13 CONSIDER -- FRANKLY, I HAVEN'T HAD A CHANCE TO
14 EVEN READ IT IN DETAIL MYSELF. BUT IN TODAY'S
15 "SANTA BARBARA NEWS PRESS," THERE'S AN ARTICLE,
16 WHICH I WILL HAND TO YOU AND LET YOU TAKE A LOOK
17 AT IT, THAT SUGGESTS THE CITY OF SANTA MARIA IS
18 GOING TO HAVE A VERY DIFFICULT TIME PAYING ITS
19 BILLS FOR WATER THAT THEY ARE NOW RECEIVING FROM
20 THE STATE WATER PROJECT. IN FACT, THEY'RE ABOUT
21 \$2 MILLION SHORT ON THAT. SO IF THE LANDFILL
22 CLOSES AND YOU GUYS HAVE TO TRY AND GET THE MONEY
23 OUT OF THEM, I THINK YOU MAY HAVE A PROBLEM. I
24 WOULD SUGGEST THAT YOU PROBABLY OUGHT TO TRY AND
25 GET THE MONEY UP FRONT.

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1 JUST ONE LAST COMMENT. AND THAT IS
2 THAT BY REQUIRING FINANCIAL ASSURANCES BASED UPON
3 A 325-FOOT ELEVATION, I BELIEVE THAT YOU WILL GIVE
4 YOUR SISTER AGENCY, THE REGIONAL WATER BOARD, THE
5 FLEXIBILITY TO BASE OR TO MAKE A DECISION ON THE
6 INCREASED ELEVATION BASED UPON WATER QUALITY
7 ISSUES AND NOT BE SUBJECT TO FINANCIAL BLACKMAIL
8 ON CLOSURE COSTS. THANK YOU VERY MUCH FOR YOUR
9 TIME AND CONSIDERATION OF OUR CONCERNS.

10 CHAIRMAN FRAZEE: THANK YOU. NOW LET'S
11 HEAR FROM JOHN ZHOA REPRESENTING THE CITY OF SANTA
12 MARIA.

13 MR. ZHOA: MORNING. MY NAME IS JOHN
14 ZHOA. I'M THE ASSOCIATE CIVIL ENGINEER FOR THE
15 CITY OF SANTA MARIA SOLID WASTE DIVISION. I THINK
16 WE ARE ATTACKED TODAY JUST BECAUSE SOMEBODY WANT
17 TO SHUT US DOWN AND MAKE THE CITY COST TO BE AS
18 EXPENSIVE AS POSSIBLE SO THAT A PRIVATE LANDFILL
19 IS THE ONLY SOLUTION TO THE CITY.

20 THE REASON THAT REGIONAL WATER
21 QUALITY CONTROL BOARD ISSUED US A WDR CALLS FOR
22 340, THERE'S A REASON BEHIND IT. SUBTITLE D CALLS
23 FOR MINIMUM 3-PERCENT SLOPE. AS ACTIVE LANDFILL,
24 WHEN WE KEEP LANDFILL, THE SLOPE WILL DECLINE. SO
25 THE 5-PERCENT SLOPE WILL COMPENSATE, EVENTUALLY

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1 BECOME 3 PERCENT. THAT'S WHERE 340 IS COMING
2 FROM.

3 IT IS VERY NORMAL FOR REGIONAL WATER
4 QUALITY CONTROL BOARD TO ISSUE A CAO AND HAVE SOME
5 RESTRICTION ON IT. THE WDR HAS FULL APPROVE OF
6 THE REGIONAL WATER QUALITY CONTROL BOARD. AND IF
7 WE SATISFY ALL THE CONDITIONS CONTAINED IN THE
8 WDR, WE'LL BE ABLE TO GO TO 340 RATHER THAN 325.

9 AND JUST TO LET YOU KNOW THE
10 DIFFERENCE BETWEEN 325 AND THE 340, IT REPRESENTS
11 LITTLE OVER THREE YEARS OF SITE LIFE. THAT MEANS
12 IF WE WERE LIMITED TO 325, WE WILL BE \$3 MILLION
13 SHORT OF THE FINAL CLOSURE FUND. THE CITY HAS
14 DEPOSIT ALMOST A MILLION DOLLARS A YEAR INTO THE
15 CLOSURE FUND. WE ARE ALSO AT THE SAME TIME SPEND
16 MILLIONS OF DOLLARS PUTTING LANDFILL GAS
17 EXTRACTION SYSTEM AND THE OTHER REMEDIATION
18 PROJECTS.

19 SO IF YOU COMPENSATE THE MONEY WE
20 ALREADY SPEND DOING PART OF THE REMEDIATION, WHICH
21 IS PART OF THE CLOSURE MONEY, WE ARE FULLY
22 SATISFIED AS LONG AS THE FINANCIAL ASSURANCE
23 CONCERN.

24 WE ARE, LIKE MR. HOOVER SAID, OUR
25 CURRENT TIPPING FEE IS ABOUT \$60 A TON. AND THE

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1 CITY OF SANTA MARIA LANDFILL SERVES APPROXIMATELY
2 120,000 PEOPLE IN THE ENTIRE NORTH SANTA BARBARA
3 COUNTY. OUT OF THE \$60 A TON, ONLY LESS THAN 50
4 PERCENT GOES TO THE OPERATION OF THE LANDFILL.

AS

5 A MATTER OF FACT, ONLY \$7.5 PER TON IS SPENT ON
6 OPERATION. THE REST MONEY GOES TO THE CLOSURE
7 FUND AND REMEDIATION PROJECTS.

8 I THINK BY TELLING YOU THIS, YOU
CAN

9 REALIZE THAT BY SIMPLY SHUTTING THE LANDFILL DOWN
10 IS NOT A SOLUTION. IT'S NOT IN 1991. IT'S NOT
11 IN 1994. IT'S IN 1997 TODAY.

12 THE REASON WE WANT TO BUILD UP A
13 SLOPE, THAT'S PART OF OUR CORRECTIVE ACTION FOR
14 GROUNDWATER CLEANUP. THERE'S A REASON SUBTITLE D
15 CALLS FOR 3-PERCENT SLOPE. I HAVE SOME PICTURES
16 HERE SHOWS HOW A FLAT LANDFILL CAN LEACHATE INTO
17 GROUNDWATER. AND BY BUILDING UP THAT SLOPE WITH
18 TRASH RATHER THAN WITH CLEAN SOIL, IT GIVE US --
19 IT GIVE THE CITY THE OPPORTUNITY TO BUILD IN THE
20 NECESSARY FUNDS NECESSARY TO PERFORM ALL THE WORK
21 REQUIRED BY REGIONAL WATER QUALITY CONTROL BOARD.
22 AND THAT'S THE REASON WHY WE GOT 340 RATHER THAN
23 325.

24 AND THE CITY HAS SPENT \$5 MILLION -
-
25 CITY HAS DEPOSITED \$5 MILLION LAST YEAR INTO THE

1 CLOSURE FUND, AND WE WOULD VERY MUCH TO BE
2 RECOGNIZED BY THIS BOARD THAT OUR OPERATION IS IN
3 LINE WITH THE STATE AND FEDERAL MINIMUM STANDARD.
4 BASED ON MY EXPERIENCE WITH MORE THAN TWO DOZENS
5 LANDFILL, THE SANTA MARIA LANDFILL IS NOT ANYTHING
6 EXTRAORDINARY. IT'S TYPICAL. WE'RE TRYING TO FIX
7 ALL THE PROBLEM.

8 WE DON'T KNOW WHERE THE TRASH -- IN
9 THE OLD DAYS, PEOPLE JUST DIG A HOLE AND BURY
10 TRASH AND FORGET IT. WE TRY TO ACCUMULATE THE
11 NECESSARY MONEY TO FIX THE OLD PROBLEM. AND BY
12 ISSUE A PERMIT TODAY FROM YOU, IT'S NOT IN
13 CONFLICT WITH THE WDR OR WITH ANY OF THE ORDER
14 THAT ISSUED BY THE REGIONAL WATER QUALITY CONTROL
15 BOARD.

16 AS A CAUTION, OUR LEA PUT A CLAUSE
17 IN THE PERMIT SAYS THIS PERMISSION NOT IN
CONFLICT

18 WITH ANY OF THE OTHER PERMIT DOCUMENTS ISSUED BY
19 OTHER AGENCIES. I THINK THAT'S ADEQUATE AND
WE'LL

20 LIVE BY THAT. AND OUR ATTORNEY HERE WITH ME, AND
21 WE'LL ANSWER ANY QUESTION THAT YOU HAVE.

22 MEMBER JONES: I HAVE A QUESTION, BUT I
23 ALSO WANT TO ADDRESS A COUPLE OF THINGS YOU SAID.
24 I GOT TO APPRECIATE THAT -- THE SITUATION THAT

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25 YOU'RE IN. BUT I THINK THAT IT IS NAIVE TO THINK

1 THAT THIS IS UNIQUE TO SANTA MARIA. OKAY.

2 LANDFILLS UP AND DOWN THE STATE OF CALIFORNIA
HAVE

3 BEEN FACED WITH FULLY FUNDING CLOSURE, FULLY
4 FUNDING MITIGATION. IT'S NOT A NEW CONCEPT, AND
5 PEOPLE HAVE DEALT WITH IT CONTINUALLY.

6 NOBODY HERE, ME -- I HAVE NOT
7 INDICATED THAT I WANT TO SEE YOUR LANDFILL
CLOSED.

8 WHAT I SAID WAS I DIDN'T UNDERSTAND WHY IF THE
9 WDR'S WERE SET AT 325 FEET, WHY WE WOULD ALLOW
10 THIS PERMIT. AND I'M SORRY. I'LL BACK UP SO YOU
11 DON'T THINK I MISUNDERSTOOD. WHY IF THE WDR SAID
12 IF THE CITY OF SANTA MARIA IS A LANDFILL IS NOT
IN

13 COMPLIANCE, IT WILL NEVER BE ALLOWED TO GO OVER
14 325 FEET, WHICH IS YOUR WAY, AND YOU'RE TELLING
US

15 NOW THAT THE DIFFERENCE BETWEEN 325 AND 340 IS
16 THREE YEARS OF LANDFILL CAPACITY THAT YOU CAN'T
17 AFFORD TO MAKE UP BETWEEN NOW AND THEN.

18 THAT BOTHERS ME BECAUSE IF, IN
FACT,

19 YOU ARE NOT ABLE TO GO OVER 325 BECAUSE YOU ARE
20 NOT ABLE TO MITIGATE THE WATER POLLUTING ISSUES
21 THROUGH THE WATER BOARD, THEN WE ARE GOING TO

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HAVE

22 A CLOSURE FUND THAT IS SHORT \$3 MILLION WITH
23 NOWHERE TO GET THAT MONEY. SO IT'S A DOUBLE-
EDGED

24 SWORD.

25 I APPRECIATE -- I MEAN I HOPE YOU

1 UNDERSTAND WHEN I ASKED WHAT ELEVATIONS ARE WE AT
2 AND THEY SAID 290 TO 230, OR SOMETHING LIKE THAT,
3 IT'S THE SLOPE. IF THREE YEARS IS COMING OUT OF
4 THIS LANDFILL BETWEEN 325 AND 340, THEN WHAT WE'RE
5 REALLY TALKING ABOUT HERE IS GOING FROM THE YEAR
6 2018 DOWN TO THE YEAR 2015.

7 MR. ZHOA: IT'S FROM YEAR 2013 TO 2010.

8 MEMBER JONES: EXCUSE ME. 2013 TO 2010,
9 13 YEARS BEYOND TODAY. WHAT WE'RE LOOKING AT,
10 WHAT I WOULD SUGGEST WAS AT THE 325, TO -- IF THE
11 PERMIT WAS AT 325 SO THAT IT WAS IN CONCERT WITH
12 CONCERNS THAT THE WATER BOARD HAD, THAT WOULD BE A
13 MUCH EASIER PERMIT TO APPROVE IN MY MIND. MY
14 MIND. I'M NOT SPEAKING FOR ANY OF THE OTHER BOARD
15 MEMBERS. OKAY. AT 340 I'M NOT SURE I CAN CONCUR
16 IN THIS PERMIT BASED ON A COUPLE OF REASONS,
17 INADEQUATE FUNDING, OKAY, AND BEING IN COMPLIANCE
18 WITH THE WATER BOARD -- NOT IN COMPLIANCE -- NOT
19 BEING IN CONFLICT WITH THE ANOTHER STATE AGENCY
20 WHO HAS CONCERNS.

21 SO I DON'T THINK IT'S A FAIR
22 REPRESENTATION TO SAY THAT WE'RE TRYING TO SHUT
23 YOU DOWN. I MEAN THE DIFFERENCE BETWEEN 2013 AND
24 2010 IS SIGNIFICANT. I MEAN, YOU KNOW, THAT'S
25 WHERE I'M COMING FROM. I JUST WANTED TO

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1 STRAIGHTEN THAT OUT.

2 MR. ZHOA: NO. I'M NOT SAYING YOU WANT
3 TO SHUT US DOWN, BUT I THINK PEOPLE IN THIS ROOM
4 CAN CERTAINLY TELL SOMEBODY WANT TO SHUT US DOWN.

5 MEMBER JONES: THAT'S PROB- -- I MEAN
6 WHATEVER. BUT THAT'S NOT WHERE I'M COMING FROM.
7 WHERE I'M COMING FROM IS TRYING TO PROTECT THE
8 CITIZENS, NOT ONLY OF SANTA MARIA, BUT OF THE
9 STATE, AND PROTECT THE INTEGRITY OF OUR PERMITS
10 BECAUSE I APPRECIATE WHAT THE LEA DID BY PUTTING
11 THAT LANGUAGE IN THERE. THAT, BELIEVE IT OR NOT,
12 TAKES AWAY A LOT OF MY HEARTBURN ON THIS THING.

13 THE PROBLEM IS IS THAT YOU HEARD OUR
14 LEGAL COUNSEL SAY THERE'S EVERY LIKELIHOOD THAT
15 THAT WILL NOT BE NOT INCLUDED IN THE PERMIT
16 BECAUSE IT'S SOMETHING WE CAN'T ENFORCE, SO NOW
17 I'M BACK TO HAVING HEARTBURN. SO I NEED YOU -- I
18 THINK WE NEED TO DO A LITTLE BIT OF THINKING ABOUT
19 THIS.

20 MR. ZHOA: I GOT ZANTAC IF YOU WANT.

21 MEMBER JONES: I THINK WE NEED TO DO A
22 LITTLE BIT OF THINKING BECAUSE THERE'S NOT AN
23 EFFORT TO -- 2013 AND 2010 IS A LONG WAY AWAY.
24 OKAY. AND I APPRECIATE YOUR ISSUES, BUT I THINK
25 THAT IS AN AWFULLY FAIR AMOUNT OF TIME TO TRY TO

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1 MITIGATE SOMETHING THAT HAS BEEN GOING ON FOR A
2 LONG, LONG TIME.

3 IT ALSO PUTS YOU AND YOUR CITY
4 ATTORNEY AND EVERYBODY IN A POSITION OF GOING BACK
5 TO THE CITY COUNCIL AND SAYING, "HEY, THIS IS WHAT
6 WE'RE LIMITED TO," YOU KNOW. I MEAN IF YOU READ
7 THIS ARTICLE THAT THEY PASSED OUT ABOUT THE WATER
8 BILL, I MEAN ABOUT THE WATER -- THE STATE BILL,
9 AND I SAW THIS THING EARLIER TODAY, IT GOT FAX'D
10 TO MY OFFICE, BUT THERE IS -- THERE'S THE HEAD OF
11 THE GRAND JURY MAKES A COMMENT THAT WE KNOW THAT
12 THEY THINK THAT THEY'RE WORKING ON IT, BUT THEY
13 MAY NEED TO MOVE HARDER ON IT.

14 THESE TWO MATTERS DON'T
INTERRELATE.

15 OKAY. THEY DON'T HAVE ANYTHING TO DO WITH
16 ANYTHING, BUT IT IS AN ISSUE FOR US AS A BOARD
TO
17 TRY TO BE ABLE TO NOT BE IN CONFLICT WITH THE
18 WATER BOARD. THEY'RE A SISTER AGENCY. WE'RE
ALL
19 HERE TO TRY TO PROTECT THE ENVIRONMENT.

20 AND I WILL TELL YOU RIGHT NOW,
SANTA

21 MARIA IS NOT GOING THROUGH ANYTHING DIFFERENT
THAN

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22 ANYBODY ELSE HAS GONE THROUGH, AND IT HAS
23 DEFINITELY NOT GONE THROUGH ANYTHING DIFFERENT
24 THAN THE PRIVATE INDUSTRY HAS GONE THROUGH. AND
25 I'M NOT TRYING TO PUT YOU OUT OF BUSINESS, BUT
I'M

1 TELLING YOU I'M COMING FROM 23 YEARS OF THAT
2 EXPERIENCE, AND WE WOULDN'T BE PLAYING THIS GAME
3 RIGHT NOW. IT WOULD HAVE BEEN DONE AND WE WOULD
4 HAVE BEEN SHUT DOWN, OR WE'D HAVE PUT IN A PLAN
5 AND SPENT THE MONEY. SO THAT'S WHERE I'M COMING
6 FROM. I THINK 2010 MAKES A LOT OF SENSE TO ME.

7 MR. ZHOA: I UNDERSTAND. LET ME JUST
8 ASSURE YOU TO ADDRESS THE FINANCIAL ASSURANCE. IF
9 WE WERE LIMITED TO 325, LIKE I SAID, WE'RE
10 DEPOSITING THE MONEY AS WE'RE REQUIRED. AT THE
11 SAME TIME WE'RE SPENDING THE MONEY TO DOING THE
12 WORK TOWARDS CLOSURE, SUCH AS THE GAS SYSTEM,
13 WHICH IS A MILLION DOLLARS, SUCH AS THE DRAINAGE
14 STRUCTURE, THAT'S A MILLION DOLLARS. IT'S ALL
15 BUDGETED THIS YEAR AND THE NEXT YEAR.

16 NOW, IF WE DO THAT, WE WOULD LOWER
17 OUR FINAL CLOSURE COST BY \$3 MILLION, WHICH WILL
18 BRING US INTO THE COMPLIANCE IF WE WERE
RESTRICTED

19 TO 325.

20 NOW, FURTHERMORE, THE WDR CALLS
FOR

21 340 UNLESS -- CALLS FOR 325 UNLESS WE DO ALL
THESE

22 THINGS, WE GO UP TO 340. NOW, OUR UNDERSTANDING
23 IS THE ONLY REQUIREMENT WE NEED IS TO SATISFY

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THE

24 STAFF OF REGIONAL WATER QUALITY CONTROL BOARD ,
25 RATHER THAN GO TO THE BOARD FOR FURTHER
APPROVAL.

1 THAT MEANS WE HAVE A PERMIT CALLS FOR 340 RATHER
2 THAN 325. THAT'S THE WAY HOW WE INTERPRET IT.

3 AND YOU JUST BRING THE WATER ISSUE
4 UP. YES, THE CITY OF SANTA MARIA WILL BE PAYING
5 TREMENDOUS AMOUNT OF MONEY TO PAYING THE WATER
6 BILL. BY SHUTTING US DOWN, WE'RE SPENDING \$7 A
7 TON FOR OPERATION. OUR CITY COUNCIL GOT A
8 PROPOSAL FROM CHICAGO GRADE OFFERS \$44 A TON,
9 WHICH IS ON THE SURFACE CONSIDERABLY CHEAPER THAN
10 OUR OWN OPERATION. HOWEVER, THAT \$44 A TON, IF
11 YOU ADD THE MONEY WE SPENT TO DO REMEDIATION WORKS
12 AND TO SATISFY THE CLOSURE FUND, THAT WILL BRING
13 OUR COST TO \$80 A TON.

14 NOW, I HAVE TO EXPLAIN THIS TO A
15 HUNDRED TWENTY THOUSAND PEOPLE IN NORTH SANTA
16 BARBARA COUNTY. AND NOT ONLY YOU HAVE TO CONVINCE
17 ME, I THINK THE BOARD HAS TO CONVINCE THE PEOPLE
18 IN SANTA BARBARA COUNTY WHY THE CITY HAS SPENT SO
19 MUCH MONEY AND WE'RE NOT ABLE TO GET A PERMIT.

20 MEMBER JONES: I'M NOT AN AGENT FOR THESE
21 GUYS SITTING OUT IN THE AUDIENCE. I MEAN WHATEVER
22 YOUR DEAL IS OR WHATEVER THEIR DEAL IS TRYING TO
23 PUT TOGETHER HAS NOTHING TO DO WITH WHAT WE'RE
24 TALKING ABOUT RIGHT NOW. AND IT DEFINITELY
25 DOESN'T HAVE ANYTHING TO DO WITH THIS. IT DOES

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1 HAVE EVERYTHING WITH THE CITIZENS OF SANTA MARIA
2 BECAUSE, BASED ON THE INFORMATION THAT WE'VE GOT
3 IN THIS PACKAGE, OKAY, THAT THIS LANDFILL IS
4 POLLUTING, YOU ARE GOING TO HAVE ANOTHER ISSUE AT
5 SOME POINT THAT IS OUT OF OUR PURVIEW. AND THAT
6 IS EXPLAINING TO THE PEOPLE OF SANTA MARIA HOW
7 THEY'RE GOING TO CLEAN UP THEIR WATER.

8 SO, YOU KNOW, UNDERSTAND THAT I'M
9 NOT ACTING AS AN AGENT FOR ANYBODY IN THIS ROOM.
10 I'M ACTING FOR AN AGENT FOR ME. OKAY. AND I
HAVE

11 CONCERNS OVER THE DISCHARGE ISSUES, AND I HAVE
12 CONCERNS OVER THE HEIGHT, AND I HAVE CONCERNS
OVER

13 THE FUNDING OF THE CLOSURE/POSTCLOSURE FUNDING,
14 AND IT'S INCREASING IN INTENSITY AS WE SPEAK.

15 MEMBER RELIS: MR. CHAIR, I DON'T KNOW.
16 DO WE HAVE MORE TESTIMONY?

17 CHAIRMAN FRAZEE: NO.

18 MEMBER RELIS: I'M WONDERING IF I MIGHT
19 ASK MR. JONES TO CLARIFY HIS CONCERNS. ONE IS
THE

20 325 VERSUS 340, AND THAT'S AROUND THE FINANCIAL
21 ASSURANCES, AND THAT TIES TO A STATE MINIMUM
22 STANDARD REQUIREMENT, SECTION 43600. WOULD THAT
23 BE WHAT YOUR --

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24 MEMBER JONES: THAT'S EXACTLY WHAT MY
25 CONCERN IS.

1 MEMBER RELIS: -- REFERRING TO? BECAUSE
2 I SHARE -- I SHARE YOUR CONCERN. I THINK THAT
3 BASED ON THE TESTIMONY, WHAT I'VE READ, I REALIZE
4 THERE ARE ECONOMIC CONSEQUENCES TO CLOSURE, THE
5 COST, IT'S IN A DIFFICULT SITE. THAT'S WHY THE
6 COSTS ARE HIGH. SO THAT'S NOT GOING TO GO AWAY
NO

7 MATTER WHAT YOUR ALTERNATIVES ARE. THAT'S A
8 GIVEN.

9 SO I'M WONDERING, ARE YOU MOVING
10 TOWARDS A MOTION HERE OR --

11 CHAIRMAN FRAZEE: I THINK OUR ONLY
OPTION

12 IS TO NONCONCUR UNLESS THE APPLICANT IS WILLING
TO

13 MODIFY; IS THAT CORRECT?

14 MS. RICE: YES. IF YOU ARE INDICATING
15 THAT YOU THINK THERE ARE DEFICIENCIES IN THE
16 FINANCIAL ASSURANCES, THAT COULD BE GROUNDS FOR
17 YOUR FORMULATING A MOTION TO OBJECT TO THE
PERMIT.

18 WE HAVE A SITUATION HERE WHERE
STAFF

19 HAVE COME FORWARD, AND WE FIND FINANCIAL
ASSURANCE

20 IS ADEQUATE BASED ON WHAT WE REVIEWED. YOU'VE

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21 HEARD CONSIDERABLE INFORMATION FROM OPPONENTS
TO
22 THE LANDFILL WHO SEE OTHERWISE. AND YOU
CERTAINLY
23 HAVE DISCRETION TO LOOK AT ALL THAT INFORMATION
24 AND FORMULATE YOUR OWN VIEW AS TO WHETHER
25 FINANCIAL ASSURANCES ARE OR ARE NOT ADEQUATE.

1 I THINK THERE HAS BEEN SOME,
2 PERHAPS, MISUNDERSTANDING OVER HOW WE CALCULATE
3 FINANCIAL ASSURANCES. AND THAT WAS PART OF THE
4 PURPOSE OF OUR -- EXCUSE US -- LENGTHY INTRO
5 PRESENTATION.

6 MY UNDERSTANDING IS THAT FOR ANY
7 LANDFILL -- AND PLEASE JUMP IN, STAFF, IF I SAY
8 THIS INCORRECTLY -- WE DETERMINE ADEQUACY FOR THE
9 PURPOSES OF THE PERMIT BASED ON THE MOST RECENT
10 DEPOSIT TO THE FUND, NOT THE UPCOMING DEPOSIT. SO
11 IN OTHER WORDS, WE WERE SAYING THAT THIS LANDFILL
12 WAS IN COMPLIANCE IN THE TIME PERIOD THAT WE WERE
13 LOOKING AT.

14 WE WERE NOT SAYING IT WILL BE IN
15 COMPLIANCE AT THE TIME OF THE NEXT DEPOSIT, WHICH
16 WOULD BE DETERMINED, AS I UNDERSTAND, BASED ON
17 DISCUSSION WITH THE LEA, THE REGIONAL BOARD, AND
18 OURSELVES, AS TO WHAT IS THE REQUIRED ANNUAL
19 DEPOSIT ON THEIR ANNIVERSARY DATE OF, IF I RECALL,
20 SEPTEMBER OF '97. SO I THINK WHAT WE WERE DOING
21 IS WHAT WE DO WITH ANY LANDFILL PERMIT. WE
22 BROUGHT THE PERMIT BEFORE YOU AND WE MADE CERTAIN
23 FINDINGS BASED ON THE INFORMATION IN OUR FILES AND
24 IN OUR RECORDS AT THAT TIME.

25 BUT ADEQUACY OF FINANCIAL ASSURANCES

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1 IS AN ONGOING MATTER SEPARATE FROM THE PERMIT THAT
2 IS DETERMINED ON AN ANNUAL BASIS. SO WE WERE NOT
3 PASSING JUDGMENT THAT FOR NOW AND EVERMORE
4 FINANCIAL ASSURANCES WILL BE ADEQUATE. WE WERE
5 STATING THAT WE WOULD LOOK AT THAT ANNUALLY, AS WE
6 WOULD FOR ANY OTHER LANDFILL, AND DETERMINE TWO
7 THINGS, THE AMOUNT OF THE REQUIRED DEPOSIT AND
8 WHETHER THEY WERE IN COMPLIANCE WITH THAT, AND
9 ENFORCEMENT WOULD BE PURSUED, IF NEEDED, BASED ON
10 ANY INADEQUACY IN THE AMOUNTS DEPOSITED BY THE
11 CITY FOR THOSE COSTS.

12 SO WE WERE SEPARATING THE ISSUES IN
13 A SENSE. AND I SENSE FROM THE DISCUSSION THAT
14 THEY'VE SORT OF ALL BEEN MERGED. AND THE
15 IMPLICATION IS THAT BY ACTING ON THE PERMIT,
16 YOU'RE APPROVING FINANCIAL ASSURANCES FOR THE
17 SEPTEMBER DEPOSIT, WHICH I DON'T BELIEVE YOU ARE.
18 AND YOU'RE ALSO SOMEHOW APPROVING THE CLOSURE
19 PLAN, WHICH ALSO IS A SEPARATE MATTER, AS I
20 UNDERSTAND IT.

21 SO FROM THE TESTIMONY FROM THE OTHER
22 PARTIES, I SENSED A NUMBER OF ISSUES BROUGHT IN
23 THAT I DON'T THINK WERE THE BASIS OF OUR FINDING
24 AND RECOMMENDATION TO YOU OF CONCURRENCE. BUT I
25 UNDERSTAND THAT'S IN YOUR DISCRETION TO HEAR THAT

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1 INFORMATION AND DETERMINE WHAT YOU WISH TO DO.
2 I'M JUST SEEKING TO CLARIFY WHY WE FELT
3 COMFORTABLE COMING FORWARD WITH THE RECOMMENDATION
4 THAT WE DID, NOT TO PREJUDGE WHAT YOU MAY OR MAY
5 NOT DO.

6 MEMBER RELIS: I DON'T FEEL LIKE WE'RE
7 MISUNDERSTANDING WHAT WAS PRESENTED. WE
8 UNDERSTAND IT VERY FULLY.

9 MEMBER JONES: WELL, I DON'T KNOW IF --
10 YOU KNOW, I FEEL FOR THE LEA. I REALLY DO. I
11 DON'T KNOW IF MAYBE WE SHOULD -- I'M HAVING A
12 LITTLE HARD TIME HERE. I DON'T KNOW IF I SHOULD
13 MAKE A MOTION FOR NONCONCURRENCE OR MOVE IT
14 FORWARD TO THE BOARD AND HOPE THAT PEOPLE WILL
15 TALK ABOUT, YOU KNOW, MAYBE RESTRUCTURING PARTS OF
16 THIS PERMIT BECAUSE THE FACT THAT THAT ONE ITEM,
17 THAT L, OUR COUNSEL SAYS CAN'T BE INCLUDED, I
18 THINK GIVES YOU SOME HEARTBURN AND GIVES US SOME
19 HEARTBURN.

20 SO I WOULD SAY, BASED ON TODAY'S
21 TESTIMONY, I WOULD MAKE A MOTION THAT WE
22 RECOMMEND -- THAT THIS GO FORWARD TO THE BOARD,
23 BUT MY RECOMMENDATION IS NONCONCURRENCE AS WRITTEN
24 BASED ON THE PRC CODE DEALING WITH CLOSURE.

25 CHAIRMAN FRAZEE: THAT'S SEPARATE FROM

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1 YOUR MOTION.

2 MEMBER JONES: YEAH, BUT I'M HAVING
3 TROUBLE WITH THIS, BOB, HELP ME. MY MOTION IS NOT
4 TO CONCUR BASED ON THE PRC CODE DEALING WITH
5 CLOSURE FUND.

6 MEMBER RELIS: I'LL SECOND THAT.

7 MEMBER JONES: IS THAT ACCURATE?

8 CHAIRMAN FRAZEE: OKAY. WE'RE CLEAR ON
9 THAT MOTION, THEN, A MOTION TO NONCONCUR.

10 NOW, WHAT IS THE TIME EFFECT OF
11 THAT?

12 MS. RICE: WELL, YOU WOULD BE FORWARDING
13 YOUR RECOMMENDATION TO THE FULL BOARD. AND THEN
14 MY UNDERSTANDING IS IF THERE IS A VOTE BY THE
15 BOARD TO NOT CONCUR IN THE PERMIT, THEN THE MATTER
16 IS REFERRED BACK TO THE LEA AS A NONAPPROVED
17 PERMIT AND WITH DIRECTION FROM US AS TO WHAT
18 CHANGES WE WANT TO SEE. IN OTHER WORDS, WE
19 INDICATE WHAT THE BOARD FOUND INADEQUATE, YOUR
20 REASON FOR OBJECTION, AND DIRECT THE LEA TO, I
21 ASSUME, REVISE AND RESUBMIT.

22 MEMBER RELIS: YES. AND OBVIOUSLY IT'S
23 UNDERSTOOD, I BELIEVE, WHATEVER OUR ACTION IS NOW,
24 BETWEEN NOW AND THE BOARD MEETING, IF CIRCUM-
25 STANCES WERE TO CHANGE, THAT MIGHT AFFECT THE

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1 BOARD'S POSITION.

2 MS. RICE: CERTAINLY.

3 CHAIRMAN FRAZEE: OKAY. THEN THE MOTION
4 THAT'S BEFORE US IS TO RECOMMEND TO THE BOARD AN
5 OBJECTION TO THIS PERMIT. SECRETARY WILL CALL THE
6 ROLL ON THAT.

7 THE SECRETARY: BOARD MEMBER RELIS.

8 MEMBER RELIS: AYE.

9 THE SECRETARY: BOARD MEMBER JONES.

10 MEMBER JONES: AYE.

11 THE SECRETARY: CHAIRMAN FRAZEE.

12 CHAIRMAN FRAZEE: AYE. MOTION IS
13 CARRIED. NOW, LET'S SEE. WHAT'S THE PLEASURE?
14 WANT TO TAKE A LUNCH BREAK. OKAY. LET'S STAND IN
15 RECESS UNTIL 1:30.

16 (RECESS TAKEN.)

17 CHAIRMAN FRAZEE: MEETING WILL COME TO
18 ORDER AGAIN, PLEASE. WE ARE READY FOR AGENDA ITEM
19 7, CONSIDERATION OF A MODIFIED SOLID WASTE
20 FACILITIES PERMIT FOR THE OGDEN MARTIN SYSTEMS OF
21 STANISLAUS COUNTY.

22 MS. RICE: THANK YOU, MR. CHAIRMAN AND
23 MEMBERS. ANDY MARINO WILL MAKE THE PRESENTATION
24 FOR STAFF.

25 MR. MARINO: GOOD AFTERNOON. THE ITEM 7

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1 IS CONCERNING THE OGDEN MARTIN WASTE-TO-ENERGY
2 FACILITY IN STANISLAUS COUNTY. IT'S A TRANSFORMA-
3 TION FACILITY, ONE OF THREE IN THE STATE UNLESS
4 YOU WANT TO COUNT PEBBLY BEACH, AND WE HAVEN'T
5 DECIDED ON THAT ONE YET.

6 MEMBER RELIS: BUT WE'RE NOT SURE.

7 MR. MARINO: NORMALLY A MODIFIED PERMIT
8 WOULD BE HANDLED WITHIN OUR DIVISION DUE TO THE
9 DELEGATION TO THE DEPUTY DIRECTOR; BUT BECAUSE OF
10 SOME OF THE CIRCUMSTANCES CONCERNING THIS ONE, THE
11 BOARD'S THE EA IN STANISLAUS COUNTY. IT'S A
12 WASTE-TO-ENERGY PLANT, LIKE I SAID. AND JUST THE
13 HIERARCHY OF WASTE MANAGEMENT LAWS IN THE STATE,
14 WE THOUGHT THAT IT WOULD BE OF INTEREST TO YOU AS
15 THE COMMITTEE TO HEAR THIS ITEM.

16 THE MODIFICATIONS ITSELF, THERE'S
17 TWO MODIFICATIONS TO THE PERMIT. THE FIRST ONE
18 BEING THE REMOVAL OF A PERMIT REQUIREMENT FOR AN
19 ANNUAL REPORT ON WASTE COMPOSITION AT THE
20 FACILITY. AND THIS REPORT REQUIRES THE OPERATOR
21 TO BASICALLY PUT ALL THE WASTE OUT ON THE

TIPPING

22 FLOOR AND THEN HIRE SOMEBODY TO SORT THROUGH IT
23 AND CATEGORIZE IT.

24 AND THE DATA FROM THESE REPORTS IS
25 NOT BEING USED AT THIS TIME BY THE BOARD, NOT

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1 ANYBODY I COULD FIND IN THE BOARD. AND I CALLED
2 THE STANISLAUS COUNTY AND THEY HAD NO USE FOR IT
3 AT THIS TIME EITHER. AND SO WE FELT, AND THE
4 OPERATOR FELT, THAT THERE WERE SOME HEALTH AND
5 SAFETY ISSUES THAT WERE INVOLVED IN THIS REPORTING
6 PROCESS, SO THEY ASKED THAT IT BE REMOVED.

7 THE OTHER MODIFICATION IS TO
8 CONSOLIDATE THE PIT MANAGEMENT PLAN. THERE WAS
9 PART IN THE PERMIT AND PART IN THE RSI, WHICH IS A
10 CONDITIONING DOCUMENT TO THE PERMIT. SO WE JUST
11 CONSOLIDATED IT ALL INTO ONE DOCUMENT BEING THE
12 RSI. AND THAT'S BASICALLY IT.

13 CHAIRMAN FRAZEE: OKAY. QUESTIONS?

14 MEMBER RELIS: WELL, WE CAN'T AFFORD TO
15 BE DOING THINGS WE DON'T USE, SO IT'S AN EASY CALL
16 FOR ME. ARE WE READY TO --

17 CHAIRMAN FRAZEE: I THINK WE ARE. WE
18 DON'T HAVE A NUMBER ON A PERMIT DECISION NUMBER.

19 MR. MARINO: I'M SORRY. THERE IS A
20 NUMBER. IT'S DECISION NO. 97-189.

21 MEMBER RELIS: I WILL MOVE PERMIT
22 DECISION 97-189.

23 MEMBER JONES: I'LL SECOND IT.

24 CHAIRMAN FRAZEE: WE HAVE A MOTION AND
25 SECOND ON APPROVAL OF PERMIT DECISION 97-189. IF

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1 THE SECRETARY WILL CALL THE ROLL ON THAT, PLEASE.

2 THE SECRETARY: BOARD MEMBER RELIS.

3 MEMBER RELIS: AYE.

4 THE SECRETARY: BOARD MEMBER JONES.

5 MEMBER JONES: AYE.

6 THE SECRETARY: CHAIRMAN FRAZEE.

7 CHAIRMAN FRAZEE: AYE. ALL MEMBERS

8 VOTING AYE. ANY OBJECTION TO CONSENT ON THAT

9 ITEM?

10 MEMBER JONES: NO, PUT IT ON CONSENT.

11 CHAIRMAN FRAZEE: WE ARE READY FOR AGENDA

12 ITEM 8. THIS IS THE CONSIDERATION OF THE ADOPTION

13 OF A NEGATIVE DECLARATION AND THE PROPOSED

14 REGULATIONS FOR NONHAZARDOUS ASH OPERATIONS AND

15 FACILITIES.

16 MS. RICE: THANK YOU. ALLISON REYNOLDS

17 WILL MAKE THE PRESENTATION FOR STAFF.

18 MS. REYNOLDS: GOOD AFTERNOON, CHAIRMAN

19 AND COMMITTEE MEMBERS. THE PURPOSE OF THIS ITEM

20 IS TO BRING FORTH FOR CONSIDERATION BY THE

21 COMMITTEE TO ADOPT THE NEGATIVE DECLARATION AND

22 THE PROPOSED REGULATIONS FOR NONHAZARDOUS ASH

23 OPERATIONS AND FACILITIES.

24 AT THE APRIL 15TH COMMITTEE MEETING,

25 THE COMMITTEE DIRECTED STAFF TO CIRCULATE THE

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1 PROPOSED REGULATIONS FOR A 15-DAY COMMENT PERIOD.
2 STAFF MAILED THE REGULATION PACKAGE TO OVER 300
3 INTERESTED PARTIES, INCLUDING AGRICULTURAL
4 COMMISSIONERS, THE ASH WORKING GROUP, LEA'S, AND
5 INDUSTRY REPRESENTATIVES.

6 AS A RESULT, STAFF RECEIVED 11
7 COMMENT LETTERS, EIGHT OF WHICH WERE IN SUPPORT OF
8 THE REGULATIONS AS WRITTEN, AND THREE WHICH
9 RECOMMENDED CHANGES. FOR EXAMPLE, ONE COMMENTER
10 REQUESTED THAT THE OPERATOR OF RECLAMATION AND
11 LAND APPLICATION PROJECTS MAINTAIN HEAVY METALS
12 TEST RESULTS, AND ANOTHER COMMENTER SUGGESTED
13 REQUIRING A STANDARDIZED PERMIT FOR TRANSFER
14 PROCESSING OPERATIONS. NONE OF THE COMMENT
15 RECOMMENDATIONS RESULTED IN CHANGES WHICH WOULD
16 REQUIRE AN ADDITIONAL 15-DAY COMMENT PERIOD.

17 THE PROPOSED NEGATIVE DECLARATION
18 AND SUPPORTING DOCUMENT PACKAGE WAS SUBMITTED TO
19 THE GOVERNOR'S OFFICE OF PLANNING AND RESEARCH ON
20 APRIL 15TH, STARTING THE 30-DAY COMMENT PERIOD,
21 WHICH WILL CONCLUDE ON THE 15TH OF THIS MONTH. NO
22 COMMENTS HAVE BEEN RECEIVED TO DATE.

23 THE TIERING REFERENCE CHART, WHICH
24 WAS MENTIONED AT THE LAST COMMITTEE MEETING, IS
25 LOCATED ON THE BACK TABLE AND WILL BE INCLUDED IN

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1 THE VERSION OF THE REGULATIONS TO BE ADOPTED. AND
2 I FOUND A COUPLE OF ERRORS IN THAT, AND THEY'LL BE
3 CORRECTED BEFORE IT GOES TO COMMITTEE OR BEFORE
4 THE BOARD.

5 DOROTHY RICE WILL GIVE AN UPDATE ON
6 CDFA. AND STAFF RECOMMEND THAT THE COMMITTEE
7 CHOOSE OPTION NO. 1, TO APPROVE THE NEGATIVE
8 DECLARATION AND REGULATIONS AND FORWARD THESE TO
9 THE FULL BOARD FOR THEIR CONSIDERATION FOR
10 ADOPTION AT THE MAY 28TH MEETING. AND THIS
11 CONCLUDES MY PORTION OF THE PRESENTATION.

12 MS. RICE: THANK YOU. VERY BRIEFLY
13 REGARDING THE DEPARTMENT OF FOOD AND AGRICULTURE.
14 PER YOUR DIRECTION AT LAST MONTH'S COMMITTEE
15 MEETING, WE HAVE BEEN SEEKING TO SIT DOWN WITH
16 FOLKS AT CDFA AND TALK ABOUT DEVELOPING
17 APPROPRIATE GUIDANCE FOR LEA'S CONCERNING LAND
18 APPLICATION ISSUES THAT MAY ARISE AS REGARDS THESE
19 REGULATIONS.

20 TO DATE WE HAVE BEEN UNABLE TO MEET;
21 HOWEVER, IN THE MEANTIME STAFF, WITH THE
22 ASSISTANCE OF ELLIOT BLOCK, HAVE PUT TOGETHER A
23 VERY ROUGH DRAFT OF AN ADVISORY, WHICH I DID NOT
24 MAKE COPIES OF TODAY BECAUSE WE HAVE YET TO GET
25 ANY FEEDBACK FROM CDFA ABOUT WHETHER WE'RE ON THE

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1 RIGHT TRACK. BUT WE KNOW THAT YOU WANT WORK TO
2 PROCEED QUICKLY IN TERMS OF GETTING SOMETHING
3 TOGETHER THAT WOULD INDICATE WHAT THE PROCESS WILL
4 LOOK LIKE, SO WE'VE GIVEN OUR BEST EFFORT TO THAT
5 AND WE'RE HOPING TO GET SOME FEEDBACK FROM THEM
6 CERTAINLY BEFORE THE BOARD MEETING SO THAT WE CAN
7 BE PREPARED TO DESCRIBE TO YOU THE NATURE OF WHAT
8 WE'RE HEARING AND THE GUIDANCE THAT WOULD BE GIVEN
9 CONCERNING WHAT AN LEA'S ACTION SHOULD BE IF THEY
10 ARE ADVISED OF A SITUATION THAT THEY HAVE CONCERNS
11 ABOUT, WHO DO THEY CONTACT, WHAT DOES THAT PROCESS
12 LOOK LIKE, THAT SORT OF THING.

13 CHAIRMAN FRAZEE: OKAY.

14 MEMBER RELIS: MR. CHAIR, I THINK THAT I
15 KNOW SOME OF US HAVE ASKED A NUMBER OF QUESTIONS
16 RELATED TO JUST MAKING SURE THAT WE DON'T HAVE
17 THIS AREA WHERE THINGS FALL THROUGH THE CRACKS.
18 AND I -- WE DID RECEIVE THAT LETTER FROM MS. VALE,
19 AND I WASN'T SURE WHAT THE STAFF READING OF THAT
20 LETTER WAS, BUT IT RAISED A COUPLE OF QUESTIONS.

21 IT SEEMED LIKE IT POINTED TO THAT
22 WOOD ASH WAS DEFINITELY THE TERRITORY OF THE CDFA.
23 AND THEN OUTSIDE OF THAT, IT WAS A LITTLE VAGUE TO
24 ME AS TO, WELL, IF IT COMES TO OUR ATTENTION, AND
25 THEN WE'RE NOT -- I'M WONDERING WHAT THAT MEANS.

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1 WHAT DOES IT MEAN IF IT COMES TO THE ATTENTION AND
2 THEN OBVIOUSLY THEN WHAT? DOES LEA GO TO THE
3 CDFA? DOES IT GO TO THE COUNTY AGRICULTURAL
4 COMMISSIONER OR WHAT?

5 MS. RICE: EXACTLY. WE HAD CERTAINLY
6 WANTED TO TALK ABOUT THE LETTER IF WE HAD BEEN
7 ABLE TO MEET WITH THEM AND A NUMBER OF OTHER
8 ISSUES. I FOUND THE LETTER RAISED MORE QUESTIONS
9 IN MY MIND THAN PERHAPS ANSWERS FOR THEM. IT
10 CLEARLY STATED THE JURISDICTION ISSUE, BUT NOT
11 WHAT WOULD ONE DO IF THERE WERE A GRAY AREA OR A
12 CONCERN THAT A MATERIAL WAS BEING MISAPPLIED. AND
13 IT CERTAINLY LEFT A LOT OF DOUBT AS TO HOW ANY
14 OTHER WASTE-DERIVED MATERIAL WOULD BE ADDRESSED
15 BECAUSE IT GAVE THE SENSE THAT IT PERHAPS WOULD
16 NOT BE, THAT IT WAS ONLY DEALING WITH ASH AT THIS
17 POINT. AND WE CERTAINLY HAVE OTHER INTEREST.

18 MEMBER RELIS: AND IT WOULD HAVE TO BE --
19 THE LETTER LED AT LEAST ME TO BELIEVE THAT IT
20 WOULD BE THE FARMER WHO WOULD NOTIFY. WELL, WE
21 HAVE LEA'S AND WE HAVE PARTIES THAT MIGHT
22 MARGINALLY BE CALLED FARMERS IN THE SENSE OF WHAT
23 OUR EXPERIENCE WAS WITH SOME OF THE WOODWASTE AND
24 VERMI --

25 MS. RICE: AND GENERALLY THIS COMES UP TO

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1 THE LEA'S ATTENTION THROUGH COMPLAINTS NOT BECAUSE
2 THE FARMERS ASKS CAN I DO THIS, BUT RATHER BECAUSE
3 A NEIGHBOR OR A CITIZEN OR SOME OTHER GOVERNMENTAL
4 AGENCY ASKS QUESTIONS ABOUT IT AND CONTACTS THE
5 LEA. SO WE WERE SEEKING INFORMATION TO BE ABLE TO
6 GIVE THE LEA TO GUIDE THEM ON WHAT WOULD YOU DO
7 WHEN YOU GET THOSE NUISANCE COMPLAINTS FROM THE
8 PUBLIC. WHAT IS THE RIGHT WAY TO RESPOND. AND SO
9 WE DO HAVE AN OUTLINE AND A DRAFT ADVISORY THAT
10 I'M SURE WE'LL BE SHARING WITH ADVISORS AND
11 YOURSELVES AND HOPING TO HAVE SOMETHING TO SHARE
12 BY THE TIME OF THE BOARD MEETING.

13 CHAIRMAN FRAZEE: OKAY. ANYTHING ELSE?
14 WE HAVE TWO ACTIONS ON THIS. THE VOTE ON APPROVAL
15 OF CEQA FIRST.

16 MEMBER JONES: MR. CHAIRMAN, I'LL MAKE A
17 MOTION THAT WE ADOPT RESOLUTION NO. 97-179 FOR THE
18 ADOPTION OF THE NEGATIVE DEC.

19 MEMBER RELIS: I'LL SECOND IT.

20 CHAIRMAN FRAZEE: MOTION AND SECOND ON
21 THE ADOPTION OF THE -- LET ME FIND THAT HERE --

22 MS. RICE: LOOKING FOR THE RESOLUTION
23 NUMBER?

24 CHAIRMAN FRAZEE: YES, UH-HUH. OKAY.

WE
25 HAVE MOTION AND SECOND ON THE ADOPTION OF

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NEGATIVE

1 DECLARATION ON THE ADOPTION OF THE PROPOSED
2 NONHAZARDOUS ASH OPERATIONS AND FACILITIES. IF
3 THE SECRETARY WOULD CALL THE ROLL ON THAT ONE,
4 PLEASE.

5 THE SECRETARY: BOARD MEMBER RELIS.

6 MEMBER RELIS: AYE.

7 THE SECRETARY: BOARD MEMBER JONES.

8 MEMBER JONES: AYE.

9 THE SECRETARY: CHAIRMAN FRAZEE.

10 CHAIRMAN FRAZEE: AYE. MOTION IS
11 CARRIED. AND NOW THE RESOLUTION.

12 MEMBER RELIS: I'LL MOVE RESOLUTION
13 97-180.

14 MEMBER JONES: I'LL SECOND.

15 CHAIRMAN FRAZEE: HAVE A MOTION AND
16 SECOND ON THE ADOPTION OF THE PROPOSED
17 NONHAZARDOUS ASH REGULATIONS. AND IF YOU WILL
18 SUBSTITUTE THE ROLL CALL ON THAT IF THERE'S NO
19 OBJECTION. SHOULD THIS NOT BE ON CONSENT?

20 MS. RICE: I ASSUME MEMBERS WILL WANT AN
21 UPDATE ON THE CONVERSATIONS WITH CDFA.

22 CHAIRMAN FRAZEE: I WOULD THINK SO. SO
23 THIS ONE WILL GO TO THE FULL BOARD.

24 OKAY. NOW WE'RE READY FOR AGENDA
25 ITEM 9, CONSIDERATION OF REALLOCATION OF THE

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1 FISCAL YEAR '96-'97 SOLID WASTE DISPOSAL AND
2 CODISPOSAL SITE CLEANUP PROGRAM.

3 MS. RICE: THANK YOU. MARGE ROUCH WILL
4 MAKE THE PRESENTATION.

5 MS. ROUCH: GOOD AFTERNOON, CHAIRMAN
6 FRAZEE AND COMMITTEE MEMBERS. I HAVE BROUGHT YOU
7 A MAP OF THE SITES THAT YOU HAVE APPROVED, THE 57
8 SITES THAT HAVE BEEN APPROVED IN THE PAST. THIS
9 ITEM IS FOR APPROVAL OF REALLOCATING FISCAL YEAR
10 '96-'97 2136 CLEANUP PROGRAM FUNDS.

11 STAFF IS REQUESTING THE BOARD TO
12 REALLOCATE \$2.5 MILLION FROM THE GRANTS AND LOAN
13 FUNDING MECHANISM TO BOARD CONTRACTS. AS YOU
14 REMEMBER, THE BOARD SET ASIDE THIS MONEY, THIS
15 \$2.5 MILLION, AND TO DATE NO COMPLETE APPLICATION
16 PACKAGE HAS COME IN.

17 WE DO HAVE ONE LEA GRANT APPLICATION
18 THAT HAD COME IN, HAS GONE BACK OUT, AND WILL NOT
19 RETURN TO THE BOARD UNTIL NEXT FISCAL YEAR,
20 PROBABLY IN JULY.

21 EARLY THIS YEAR STAFF REQUESTED TO
22 START THE RFQ PROCESS TO PROCURE AN ENGINEERING
23 SERVICES CONSULTANT AND A CONSTRUCTION CLEANUP
24 CONTRACTOR. THIS IS OPTION 2 IN THE ITEM.
25 OPTION 1 IS NO LONGER AN OPTION

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1 BECAUSE THE LEA GRANT WILL NOT BE COMING BACK TO
2 THE BOARD.

3 TODAY'S ITEM IS A FOLLOW-UP TO THAT
4 REQUEST FOR CONTRACT PROCUREMENT PROCESS. STAFF
5 REQUESTS APPROVAL TO PLACE \$200,000 INTO THE
6 EXISTING ENGINEERING SERVICES CONTRACT WITH
7 CH2MHILL, AND ADDITIONALLY STAFF REQUESTS 500,000
8 FOR THE NEW ENGINEERING SERVICES CONTRACT AND \$1.8
9 MILLION FOR THE NEW CONSTRUCTION CLEANUP CONTRACT.

10 STAFF IS CURRENTLY IN THE BIDDING
11 PROCESS FOR THOSE TWO CONTRACTS. WE HAVE RECEIVED
12 FIVE BIDS FOR THE ENGINEERING SERVICES CONTRACT
13 AND NINE BIDS FOR THE CONSTRUCTION AND CLEANUP
14 CONTRACT. STAFF REQUESTS -- STAFF RECOMMENDS
15 APPROVAL OF OPTION NO. 2 IN THE ITEM.

16 CHAIRMAN FRAZEE: OKAY.

17 MEMBER JONES: JUST A QUICK QUESTION.
18 THIS MONEY, THE NEW CONTRACTS, WE CAN ENCUMBER
19 THIS MONEY BEFORE THE END OF JUNE?

20 MS. ROUCH: YES. THAT IS THE INTENT.

21 MEMBER JONES: ALL RIGHT. THEN I WOULD
22 LIKE TO MOVE RESOLUTION 97-193. I HOPE I DIDN'T
23 READ IT ALL WRONG. 97-193 ON THE REALLOCATION
24 OF

24 THOSE FUNDS.

25 MS. ROUCH: IF YOU NOTICE, IT IS BLANK,

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1 BUT THE BOARD ITEM WILL HAVE OPTION 2 IN THERE.

2 MEMBER RELIS: I'LL SECOND THAT.

3 CHAIRMAN FRAZEE: SO WE HAVE A MOTION
AND

4 SECOND ON THE ADOPTION OF RESOLUTION 97-193 AND

5 INDICATING OPTION 2 UNDER THE "BE IT RESOLVED"

6 CLAUSE. SECRETARY WILL CALL THE ROLL ON THAT
ONE,

7 PLEASE.

8 THE SECRETARY: BOARD MEMBER RELIS.

9 MEMBER RELIS: AYE.

10 THE SECRETARY: BOARD MEMBER JONES.

11 MEMBER JONES: AYE.

12 THE SECRETARY: CHAIRMAN FRAZEE.

13 CHAIRMAN FRAZEE: AYE. MOTION IS

14 CARRIED. NO OBJECTION TO CONSENT ON THAT ITEM.

15 MS. ROUCH: THANK YOU.

16 CHAIRMAN FRAZEE: WE'LL RECOMMEND THAT
17 FOR CONSENT.

18 AND FINALLY ITEM 10, THE
CONSIDERA-

19 TION OF APPROVAL TO BEGIN A 45-DAY PUBLIC
COMMENT

20 PERIOD FOR THE PERMANENT STORAGE,
VERMICOMPOSTING,

21 AND CHIPPING AND GRINDING REGULATIONS.

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22 MS. RICE: THANK YOU. BRIAN LARIMORE
23 WILL PRESENT THIS ITEM.
24 MR. LARIMORE: GOOD AFTERNOON, MR.
25 CHAIRMAN, COMMITTEE MEMBERS. AT ITS FEBRUARY
26TH

1 MEETING, THE BOARD ADOPTED EMERGENCY REGULATIONS
2 FOR CHIPPING AND GRINDING AND THE STORAGE OF
3 ORGANIC MATERIALS, INCLUDING THE STORAGE OF
4 FEEDSTOCK AND GROWTH MEDIUM AT VERMICOMPOSTING
5 ACTIVITIES.

6 THE REGULATIONS WERE APPROVED BY THE
7 OFFICE OF ADMINISTRATIVE LAW AND BECAME EFFECTIVE
8 ON APRIL 7TH OF THIS YEAR. NO CHANGES HAVE BEEN
9 MADE TO THE EMERGENCY REGULATIONS SINCE THEY TOOK
10 EFFECT.

11 THE REGULATIONS WILL REMAIN IN
12 EFFECT FOR ONLY A 120-DAY TIME PERIOD UNLESS THE
13 REGULATION ADOPTION PROCESS IS COMPLETED WITHIN
14 THAT PERIOD BY FORMAL ADOPTION OF THE EMERGENCY
15 REGULATIONS OR AN EXTENSION OF THE 120-DAY TIME
16 PERIOD IS GRANTED BY OAL.

17 ADOPTION REQUIREMENTS INCLUDE A
18 FORMAL NOTICE WITH OAL TO BEGIN A 45-DAY PUBLIC
19 COMMENT PERIOD. THE INITIAL STATEMENT OF REASONS,
20 THE NOTICE OF PROPOSED RULEMAKING, AND THE PLAIN
21 ENGLISH SUMMARY HAVE ALREADY BEEN PREPARED.

22 THE PUBLIC COMMENT PERIOD WOULD
23 BEGIN MAY 30TH AND END ON JULY 15TH. A PUBLIC
24 HEARING TO RECEIVE ORAL AND WRITTEN COMMENTS
WILL
25 BE HELD AT THE COMMITTEE MEETING ON JULY 15TH.

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1 AFTER THE PUBLIC HEARING, STAFF WILL PREPARE THE
2 RESPONSE TO COMMENTS AND SEEK FURTHER GUIDANCE
3 FROM THE COMMITTEE AT ITS AUGUST 6TH MEETING.

4 STAFF RECOMMEND THE COMMITTEE ADOPT
5 OPTION 1, APPROVE FORMAL NOTICE OF THE 45-DAY
6 PUBLIC COMMENT PERIOD FOR THE ADOPTED EMERGENCY
7 REGULATIONS WITH THE OFFICE OF ADMINISTRATIVE LAW.
8 THIS CONCLUDES MY PRESENTATION.

9 CHAIRMAN FRAZEE: OKAY. I HAVE NO
10 QUESTIONS. WE HAVE A REQUEST TO SPEAK FROM CHUCK
11 WHITE REPRESENTING WASTE MANAGEMENT INCORPORATED.

12 MR. WHITE: THANK YOU, MR. CHAIRMAN,
13 MEMBERS OF THE COMMITTEE. CHUCK WHITE WITH WASTE
14 MANAGEMENT INCORPORATED. I'M HERE NOT TO SUGGEST
15 YOU DON'T MOVE FORWARD WITH THE PUBLIC NOTICE. I
16 DO ENCOURAGE YOU TO MOVE FORWARD WITH THESE
17 ALTHOUGH I DID WANT TO HIGHLIGHT A COUPLE OF
18 ISSUES THAT HAVE COME UP IN THE LAST WEEKS THAT I
19 THINK WILL NEED TO BE CLARIFIED AS PART OF THE
20 45-DAY PUBLIC COMMENT PERIOD, JUST TO BRIEFLY
21 BRING IT TO YOUR ATTENTION.

22 IT SEEMS LIKE THESE ISSUES ARE KIND
23 OF WIDESPREAD THROUGHOUT YOUR REGULATION AS WE'RE
24 KIND OF WRESTLING, AS WE HEARD WITH THE ASH ISSUE,
25 OF WHEN IS SOMETHING A WASTE AND WHEN DOES

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1 SOMETHING NO LONGER BECOME A WASTE. AND IT HAS TO
2 DO WITH, IN THIS CASE, THERE'S A NEW DEFINITION OF
3 MARKET PRODUCT. AND A MARKET PRODUCT IS EXCLUDED
4 FROM REGULATION.

5 AND IT TALKS ABOUT A MARKET PRODUCT
6 MEANS A FEEDSTOCK, COMPOST -- THIS IS ON PAGE 4
7 ABOUT THE MIDDLE OF THE PAGE, PAGE 4 OF THE
8 PROPOSED REGULATIONS, 112 OF YOUR PACKET --
9 COMPOST OR CHIPPED AND GROUND MATERIALS WHICH HAVE
10 BEEN SOLD, BAGGED FOR SALE, OR BENEFICIALLY USED.
11 THAT IMPLIES THAT YOU CAN -- YOU MAY HAVE A
12 MATERIAL THAT HAS BEEN CHIPPED AND GROUND; AND IF
13 IT HASN'T BEEN SOLD YET, BUT IT'S BASICALLY BEEN
14 STOCKPILED, IS IT STILL A WASTE SUBJECT TO
15 REGULATION BY THE LEA AND THE BOARD AS A WASTE?
16 AND IT ONLY BECOMES A PRODUCT ONCE IT HAS ACTUALLY
17 PHYSICALLY BEEN SOLD.

18 AND THIS ISSUE HAS COME UP RECENTLY
19 AT A FACILITY THAT WE HAVE. ACTUALLY IT TURNS OUT
20 IT WAS A LANDFILL FACILITY WHERE IT HAS BEEN
21 STOCKPILED. AND IN THIS CASE IT ACTUALLY HAS BEEN
22 SOLD, BUT IT'S STILL SITTING ON OUR PROPERTY. AND
23 LEA WAS PURPORTING TO REGULATE IT AS A SOLID
24 WASTE.

25 AND WE'RE IN THE PROCESS OF

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1 SEPARATELY DISCUSSING THAT ISSUE. BUT IT RAISED A
2 QUESTION IN MY MIND: IS -- WHEN DOES SOMETHING
3 BECOME A MARKET PRODUCT? AND DOES IT -- WHAT
4 CONSTITUTES THE SALE THAT TRANSITIONED IT FROM A
5 PROCESSED WASTE TO A MARKET PRODUCT? AND WE MAY
6 NEED SOME FURTHER CLARIFICATION ON THAT
7 PARTICULARLY IF LEA'S ARE STILL INTERESTED IN
8 REGULATING AT THE FACILITIES THAT THEY'RE
9 PRODUCED, REGULATING IT AS A WASTE.

10 AND THEN THERE'S ALSO A DISCUSSION I
11 HAD JUST YESTERDAY AND I HAVEN'T HAD A CHANCE TO
12 CLARIFY IT, BUT THE IMPLICATION THAT SOMEHOW
13 ACTIVITIES AT LANDFILLS ARE NOT SUBJECT TO THIS
14 DEFINITION, ALTHOUGH I COULDN'T QUITE UNDERSTAND
15 THE RATIONALE FOR IT. I DON'T THINK THEY ARE; BUT
16 I THINK IF YOU'RE PRODUCING A MARKET PRODUCT,
17 WHETHER YOU'RE AT A LANDFILL OR PRODUCING IT AN
18 OFF-SITE LOCATION, THERE'S STILL THIS ISSUE OF
19 YOU'RE PRODUCING A PRODUCT, IT BECOMES A PRODUCT.
20 IT'S NO LONGER A WASTE, IT'S NO LONGER SUBJECT TO
21 BOARD OR LEA REGULATION. OR IT IS. I DON'T KNOW.
22 WE JUST NEED TO RESOLVE THAT ISSUE SO IT'S
23 REASONABLY CLEAR, MORE CLEAR THAN I THINK IT IS
24 TODAY.

25 MEMBER RELIS: COULD I ASK MR. WHITE IF

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1 HE HAS SOME LANGUAGE.

2 MR. WHITE: I DON'T HAVE LANGUAGE. IN
3 FACT, THIS HAS JUST COME UP, BUT I THINK I'M GOING
4 TO BE WANTING TO WORK WITH THE STAFF. AND I'M
5 SURE THEY'LL BE REALLY HAPPY TO WORK WITH ME ON
6 THIS ISSUE AND TRY TO RESOLVE IT WITH MYSELF AND
7 OTHERS JUST SO WE CAN HAVE AS GREATEST DEGREE OF
8 CLARITY AS POSSIBLE IN WHEN SOMETHING BECOMES A
9 MARKET PRODUCT.

10 MEMBER RELIS: WE REALIZE THAT DISCUSSION
11 HAS ONLY BEEN GOING ON ABOUT SIX YEARS.

12 MR. WHITE: WELL, I KNOW, BUT WE'RE GOING
13 TO WORK ON IT. I JUST WANT TO HIGHLIGHT TO YOU
14 THAT IT'S GOING TO BE PROBABLY AN ISSUE HERE AS
15 WELL. THANK YOU.

16 CHAIRMAN FRAZEE: OKAY. THANK YOU.
17 RECOMMENDATION IS TO BEGIN A 45-DAY PUBLIC COMMENT
18 PERIOD; IS THAT CORRECT?

19 MS. RICE: CORRECT.

20 CHAIRMAN FRAZEE: ANY DISCUSSION OR A
21 MOTION?

22 MEMBER RELIS: I WOULD MOVE THAT WE MOVE
23 THE COMMENT PERIOD FORWARD, 97-62, RESOLUTION
24 97-62.

25 MEMBER JONES: I'LL SECOND.

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23 MEMBER RELIS: AYE.

24 THE SECRETARY: BOARD MEMBER

JONES.

25 MEMBER JONES: AYE.

1 THE SECRETARY: CHAIRMAN FRAZEE.

2 CHAIRMAN FRAZEE: AYE. MOTION IS
3 CARRIED. AND THAT ACTION IS TAKEN AND FINALIZED
4 WITH THIS VOTE, AND SO NO NEED FOR THIS ITEM TO GO
5 FORWARD.

6 MS. RICE: CORRECT. WE'LL BACK BEFORE
7 YOU WHEN THE PUBLIC COMMENT PERIOD IS OVER.

8 CHAIRMAN FRAZEE: OKAY. THAT COMPLETES
9 OUR AGENDA. WE HAVE OPEN DISCUSSION OR PUBLIC
10 COMMENT. APPARENTLY THERE IS NONE. IF NOT, WE
11 WILL STAND ADJOURNED.

12

13 (THE MEETING WAS THEN ADJOURNED AT
14 1:55 P.M.)

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